IMT Nuremberg Archives

H – 102

International Court of Justice

595

H0102 - 0002

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 5 April 1946, 1000-1300, Lord Justice Lawrence presiding.

WILHELM KEITEL -- Resumed.

DIRECT EXAMINATION --Continued.

BY DR. NELTE:

Q The last thing I asked you yesterday was concerning the channel of orders in the prisoner of war system, the KGW. This channel, according to what you said, went from the camp commander or commandant to the army district commander and then through the commander of the reserve army to the OKH--supreme command of the army. I should now like you to tell me what the question of the responsibility was if something which had been ordered was against the Geneva Convention or was a violation of generally recognized international law. How did that affect a camp? Was the OKW responsible according to its jurisdictional responsibilities?

A The OKW was responsible when these were incidents which violated the general principle instructions which had been published by OKW or if the non-exercising of the right to inspect came upit was connected to that. Under such circumstances I would consider the OKW responsible.

Q How did the OKW exercise its right to carry out inspections and the right to control camps?

A To start with, in the first period of the war by means of an inspector of the prisoner of war system, the KGW, who was, nevertheless, at the same time the chief of the department KGW in the general army department. In other words, he was carrying out a twin function. Later on--I think after 1942--it was done by appointing an inspector general who dealt with the entire correspondence and the entire official tasks who did not have anything to do with all these tasks.

Q What was the situation regarding the protecting powers and the International Red Cross?

H0102 - 0003

A If a protecting power represented by a delegation wished to inspect camps, then that was arranged by the department or the inspector for the prisoner of war system, who would accompany that delegation. I think I ought to say that as far as the French were concerned, Ambassador Scabini carried out that function personally, and that a protecting power in its proper shape did not exist in that connection.

Q Could the representative of the protecting powers and the Red Cross talk to the prisoners of war freely or only in the presence of an officer of the German armed forces?

A I don't know whether in camps the procedure adopted was always in accordance with the basic instructions. Direct exchange of views between prisoners of war and their visitors from their own countries was possible. Generally it was the case that it was allowed and made possible.

Q Did you as the chief of the OKW concern yourself with general instructions regarding the prisoner of war system personally?

A Yes. With general instructions I did concern myself. Apart from that, through my ties to the Fuehrer and the headquarters I was, of course, not in continuous contact with my service departments, which means that the authorities for the KGW were the inspector and the chief of the general armed forces department who was the superior of these departments and was responsible for me and dealt with these matters. These three departments had to deal with these questions currently, and I myself was called on when decisions became necessary; and, as was frequently the case, the Fuehrer interfered personally and gave orders of his own.

Q According to the documents which have been presented here in court, there appears to be a different treatment for Soviet prisoners of war in comparison to the other prisoners. What can you say on that subject?

A It is correct that in this connection there has been a difference in the treatment, which was due to the views held by the Fuehrer which he has stated frequently, namely, that the Soviet Union on their part had not observed or ratified the Geneva Convention; and it was also due to the fact that the question of philosophical conceptions regarding the conduct of the war entered into it here too. The Fuehrer emphasized that we had a free hand in this sphere.

H0102 - 0004

Q I am now going to show you the document C-388, USSR 356. It is dated 15 September 1941. Part 1 is a report of the Department Foreign Intelligence in the OKW; and part 2 is a directive of the OKW, dated 8 Septemb 1941, regarding the treatment of Soviet Russian Prisoners of War. Part 3 is a memorandum about guarding of Soviet Prisoners of War, and the last document is an appendix which is a copy of the decree from the Council of People's Commissioners regarding prisoners of War System of July 1 1941.

A Perhaps to start with that, I can say that these directives were issuedon 2 September, which can be attributed to the fact that, to start with, there was an order from Hitler, saying that Russian prisoners of war were not to be transported to German Reich territory. This order was later on rescinded; and now, regarding the directive of 8/9/41, which is available in its original test, regarding that, I should like to say that the reason for all these instructions was also due to the point of view that this was a battle of nationalities, people, since Bolshevism is the deadly enemy of National Socialist Germany. That, in my opinion, expresses right at the beginning, the basis on which these instructions were made and the motives to which they were due. It is a fact that Hitler, as I explained yesterday, did not consider this was a formal battle to be waged on the basis of international law, but as a conflict between two world philosophical ideas. Several statements are contained in the document regarding these separations; such persons who we considered as not dangerous, and those who, because of their political activities, had to be separated as being particularly threatening to National Socialism and particularly dangerous.

If I am now turning into the introductory letter, then I can say that it has been presented here by the prosecutor of the Soviet Union. It is a letter from the Chief of the Foreign Department of Intelligence, Admiral Canaris, in which he refers to that principal order which I have just discussed; to reiterate it for my purpose and add to it a number of explanations, together withhis objections he had about this decree, which he emphasizes underlined, he adds in the memorandum, so I needn't say any more about that. It is an extract and also the orders issued by the Soviet Union on the 1st of July, which are directives for the treatment of prisoners of war; in other words, treatment of German prisoners of war. I received that

H0102 - 0005

on the 15th of September, whereas the otherorder had been issued one week before that and after studying this report from Canaris, I must admit that I did share his objection. Consequently, together with the whole file, I went to Hitler and asked him to study it and make a statement about it. The Fuehrer told me that we couldn't expect that German prisoners of war would have the treatment according to the Geneva Convention or international law on the other side, but we had no ways of investigating it and that, according to that view, he had no intention of altering directives and that he refused bluntly, and thus I returned the file together with my remarks to Admiral Canaris, which means the order remained in force.

Q What was the treatment of Soviet Russian prisoners of war in effect; was it according to instructions or was it, in effect, handled differently?

A According to my own personal observations and the reports which have been put before me, the practice was considerably better and more favorable than the very severe instructions, whichhad been issued after it had been agreed that the prisoners of war were to be transported to Germany. At any rate, I have seen numerous reports stating that, as far as the employment for labor and, in particular for agriculture, was concerned, that also in the war economy, the general institutions of war economy -- I mean, such as German railways, railroad construction as such, that the conditions in practice were considerably better than they could have been after those hard severe words which are after all contained in these instructions.

DR. NELTE: Mr. President, may I on this occasion refer to document No. 6 in the document book?

THE PRESIDENT: Which document book?

DR. NELTE: Document No. 6, in document book No. 1, No. 6 'Conditions of employment for workers from the East, as well as Soviet Russian prisoners of war. In this document book I have only quoted those passages from that book which I am submitting to you, which concern themselves with the conditions of employment for Soviet Russian prisoners of war. I am submitting this book in evidence as Exhibit K-6, and beg the Tribunal to admit it in evidence and I don't need to read from it. In these instructions the points are accurately referred to which contain directives, from which it can be

H0102 - 0006

seen, that at a later period Soviet Russian prisoners of war, and in accordance with the OKW and the legislative body, were treated in accordance with the Geneva Convention.

May I continue?

THE PRESIDENT: Yes, very well. You don't wish to read from it?

DR. NELTE: No, I didn't want to.

H0102-0007

BY DR. NELTE:

Q. Please, will you explain to me just what relations existed between the police or Himmler respectively on one side and the prisoner of war system, the K.G.W. on the other side?

A. May I first of all say that it was a continuous uninterrupted cause of friction, friction between Himmler and the executive police departments and the departments of the armed forces who worked in this sphere and this friction never stopped. The reason -- it was apparent right from the beginning that at least Himmler personally and his subordinates never ceased to try to influence the prisoner of war system in some form or other.

The obvious conditions caused by escape and apprehension by the police, the complaints about insufficient guarding of prisoners, the insufficient security measures in the camps, the lack of guards and their inefficiency, all these matters were suitable and were exploited by him and he used them to fall upon our backs continuously. He continually stated that he suspected us of these shortcomings. As a result there were continuous interferences the causes for which I could hardly recognize.

There was interference from Hitler. He adopted these accusations and he interfered with matters continuously so that in this manner the armed forces departments who dealt with these matters were continually upset. Consequently, since I could not investigate the problem, I was forced to give instructions to my officers, to my departments in the O.K.W.

Q. What was the actual cause and the purpose which Himmler attempted to achieve?

A. He wanted not only to have influence but, if possible, he wanted to handle the prisoner of war system as the Police Chief of Germany so that he would reign supreme in these matters.

Q. Did not the question of getting laborers, workers, enter into it?

A. Later on that did become apparent, yes. I think I shall have to refer to that later but I can say now that one observation in any case was quite clear, namely that after such searches, such hunts, which took place at certain intervals in Germany for escaped persons, the majority of these

H0102 - 0008

prisoners of war were obviously not returned to camps from which they had escaped so that quite obviously they had been retained by police departments and used for work under the jurisdiction of Himmler. The escaped, of course, increased every year. It became more and more voluminous. For that plausible reasons, of course, exist.

Q. The prisoner of war system, of course, is closely connected with the problem of workers. Which department was responsible for the employment of prisoners of war?

A. The department dealing with the county labor offices in the so-called Reichslabor Administration Service, which had originally been in the hands of the Labor Minister and was later on transferred to the Plenipotentiary for Labor.

In practice it happened like this. The county labor department would state their requirements to the army district commanders who had jurisdiction over the camps. They demanded workers and these workers were supplied to them as far as that was possible under the existing general directives.

Q. What did the O.K.W. have to do with the allocation of labor?

A. In general, of course, the supervision so that the employment would take place according to the general and principal instructions which existed in which connection it was not possible, of course, not even for the inspector to examine each individual case of the employment of prisoners. For that, after all, the army district commanders and their prisoner of war system were responsible and they were the suitable persons.

The actual battle for workers from prisoner of war resources did not really start until 1942. Until then the main employer of such workers had been agriculture and the German railway system and a number of general institutions but not as much industry and this applies particularly to Soviet prisoners of war who were in the main agricultural men.

Q. What was the actual cause for these labor requirements?

A. During the winter of 1941-42 the problem arose how soldiers who had dropped out, particularly in the eastern theater of war, could be replaced.

H0102-0009

Requirements which had to be covered were considerable, requirements for soldiers who could go to the front and join fighting units. Expressed in figures I know now that the army alone had an annual requirement of two to two and a half million replacements.

H0102-0010

if you consider that about one million of that would come from normal recruiting and that half a million would come from rehabilitated men, then that leaves one million and a half which had to be replaced every year and they could be withdrawn from the war economy and placed at the disposal of the services, the armed forces. That in turn was the cause for the very short term exchange of these workers from the war economy and in turn their replacement by new workers, workers who one tried to find from among prisoners of war on one side and who, on the other hand were found through the Plenipotentiary Sauckel, who had the task of finding workers.

This flow, this exchange of men, affected me too, since I was responsible for all replacements for the entire armed forces, that is to say recruiting and I was continuously concerned with this flow of manpower. That is the reason also why, during discussions held with the Fuehrer referring to the replacements and finding of such replacements I was present.

Q What can you tell me about the employment of these prisoners of war in industry and in the armament industry?

A During the period up to 1942 we had not used any prisoners of war in any industry which even indirectly was connected with armament. It was due to a specific order from Hitler which he had issued because he thought that there might be sabotage against machines and production, matters which he considered as extremely probable and very dangerous. Only when the emergency came more and more apparent and when every worker had to be included in production in some form or other did we abandon that priciple. It was no longer discussed and prisoners of war were after that used in the general war production and in that connection it was my view and this is reflected in my general instructions, that their use in armament industry was prohibited to the army district commander that is to say only in such industry which was actually producing ammunition and arms.

H0102-0011

But, so as to complete the story, I think I ought to add that at a later stage a Fuehrer order once more provided for a further easing of the existing instructions. They became even more loose after that, and I think it has been said here that MinisterSpeer is supposed to have talked about, I don't know how many thousands of prisoners of war who were actually employed in matters of war economy. But I should like to say that many jobs had to be done in the armament industry, which have nothing to do with the actual production of arms and ammunition.

Q The prosecution has started to mention frequently the fact that prisoners of war were apprehended and detained by the police and were even located in concentration camps. Can you give an explanation about that?

A The way I see that case is that preparation, which has been discussed earlier this morning, took place in the camps; that is, the flaying of prisoners Furthermore, as is known from documents, prisoners of war, against whom the powers of discipline of the commandant were not sufficient, were separated and handed over to the Secret State Police. Finally, I have already mentioned the subject of prisoners who had escaped and were caught and said that a majority of them were not returned to their camps, but other instructions on the part of the OKW or the Chief of the Prisoner of War System in that direction, regarding the surrender of these prisoners to concentration camps, are not known to me and have never been issued. But, through various channels, through witnesses and documents, the facts have been presented here; namely, that the channel was that of handing these men over to the police and that they did end up in these concentration camps. That is my explanation.

Q The Frnch Prosecution have presented a document, which bears the number 1650-PS. This is an order, or I'd rather say that it's supposed to be an order from the OKW ordering that prisoners of war, who have escaped and who were not working, are to be surrendered to the Security Service, the SD. After what you've just told us, you will, no doubt, have to give a statement about that. Furthermore, I am ssowing you the document 1514-PS, which is an order from the armed forces, Regional District No. 6. from which you will be able to see the procedure adopted by the OKW on connection with the surrender of prisoners of war to the Secret State Police.

H0102 - 0012

A First of all, I want to talk about the document 1650-PS. To begin with I have to state that I did'nt know that order and that I saw it for the first time here during this trial and that, even up to now, I haven't been able to establish the fact regarding how it came about.

Q Wouldn't you like to say, first of all, that the document as such is not a document of the OKW?

A I am coming to that.

Q I think you ought to start with that in order to clarify that matter.

A The document starts as a document which has been confiscated or captured in a police department. It starts with the words "The OKW has ordered". After that come three numbers, and then it goes in to say, "In this connection I order -- and that's the Supreme Chief of the RSHA. It is signed by Mueller, not Kaltenbrunner. I have most certainly not signed this order, the OKW numbers 1 to 3, and I haven't seen it. About that there is no doubt. The fact alone that the expression "Stage 3-D" is used proves that these are expressions which are unknown to me; they are deplete expressions. I have to state, therefore, that even now I am not sure how this document was compiled. I can't clarify the situation. There are possibilities, and I should like to name them briefly because I have thought about this a very great deal. First, I don't believe that any department of the OKW, or the Prisoner of war system, or that the chief of the general armed forces department could have issued this order without having instructions. I consider that quite impossible. It was completely contrary to the general tendencies. I have no recollection that I have ever given any instructions or have ever received any instructions of this type from Hitler or that I have passed any such instruction on to anybody else. Finally, even if this may look like an excuse, there were, of course, certain channels which the Fuehrer used, without regard to the proper competent channels. And, if I look for an explanation, well, then there would be the adjutant through whom such orders could have been possible but that I had not heard about it. I emphasize that this is a guess and that it cannot be quoted in my favor.

One thing I would like to say, and that is with reference to the document 1514-PS. This is a captured order from the Army District Command No. 6, which is dated July 27, 1944. In other words, it was in the summer of 1944. It deals

H0102 - 0013

with prisoners of war who have escaped and how they are to be dealt with. It says "Reference", and then it quotes seven different orders from the year 1942 up to the beginning of July, 1944. This order deals with the question of escaped prisoners of war and should have been included into this document. If the Military Service Department of that district had had such an order, that fact is remarkable, and it has convinced me that there has never been a written order and that the Military authorities in question never received such an order. I cannot say more about it since I cannot prove it.

Q You know that the Prosecution has submitted an order, according to which Russian prisoners of war were to be mocked by means of tattooing. Would you please make a statement on that?

A The facts are the following:

During the summer of 1942, the Fuehrer had sent for the Quartermaster General of the Army, to whom he talked for several hours at head uarters, and who reported to him the conditions in the rear eastern army territory. I was suddenly called in, and I was told that the Quartermaster General was reporting that Russian prisoners of war were escaping by the Thousands every month; that they disapeared among the population; and they were liable to become civilians at once because they could discard their uniforms, and that they could, therefore, not be identified any longer.

I was ordered to investigate that and to prepare some means of identifying them, which could be visible even after they had dicarded their clothing and would mark them as prisoners of war. Consequently, I sent instructions to Berlin, saying that such an order should be prepared but that it should be investigated first by the International Law Department of the Foreign Office to find out whether such an order could be given at all; and, secondly, of course, how it could be carried out technically.

I should like to say, that I was thinking of some mention I had heard of tattooing, as has been practiced by so many seamen and laborers in Germany, but I didn't hear any more. But one day I met the Foreign Minister at the headquarters and I accosted him and talked to him about the question. The Foreign Minister von Ribbentrop knew about the inquiry made at the Foreign Office and considered the whole thing as extremely trivial. That was the first news I had

H0102 - 0014

about the subject. I gave immediate instructions, whether personally or through the adjutant I can't remember, that the order was not to go out. Up to that time I had neither seen a draft nor anything which I had to sign. At any rate I gave the clear order that that order was not to be published. I don't think I received any more detailed information. I heard nothing more about it, and I was convinced that the order had not been published.

H0102-0015

In my interrogations I made a statement according to that conception. Now I have learned through my Defense Counsel that the woman secretary of the Chief of the Prisoner of War System on her own initiative has offered to testify and state that she had orders that it should be withdrawn and should not go out, that they had received these instructions personnaly, but she did said in her statement that this had only happened several days after the order had actually gone out, and that is the only explanation of how that order cannot be found in the Police Department as not being withdrawn.

DR. NELTE: Mr. President, I shall submit the affidavit of the witness which has been received. I shall submit it to the Tribunal at the appropriate time.

Q We are now turning to the case of Sagan: Originally the Prosecution have accused you of having given the order for the killing of fifty Royal Air Force officer who had escaped from Stalag Luft 3 at Sagan. It is no longer quite clear to me whether the Prosecution even today are still maintaining this accusation, since Reich Marshal Goering and the witness, Westhof -- the latter outside the court room -- have been interrogated or examined. I have before me the interrogation report of Westhof's interrogation and I have submitted it to you. I would like to ask you now to supplement the statement of the witness Westhof, things which he has said and which no doubt he will say in this court room in the future, and to state what you yourself know about this extremely serious incident.

A The facts are that one morning it was reported to me that the escape had taken place. At the same time I received the information that about fifteen of the escaped officers had been apprehended in the vicinity of the camp. At the midnight report at Berchtesgaden, at the Berghof, I had intended to report this, on the whole, very unpleasant case, which had been the third mass-escape in a very brief period -- I had intended not to report it. I had hoped that in the course of the day the majority of them would have been caught, so that this matter might have found a natural solution. During my report Himmler appeared and I think that it was towards the end of my situation report that he in my presence reported the

H0102 - 0016

incident, since he had as usual caused a general search for the escaped prisoners.

There was a tremendously excited discussion, a serious clash between Hitler and myself, since he raised the incredible accusation against me immediately because of this incident.

In the reports from Westhof things are sometimes incorrectly represented and that is why I am making a detailed statement.

During this serious clash the Fuehrer explained or stated in extreme excitement, "These prisoners are not to be returned to the Armed Forces but to remain with the Police". I immediately objected. I said that this procedure was impossible. The situation led to it that Hitler repeated and declared once more "I am ordering that you, Himmler, will retain them; you will not give them up."

I then began to fight for the men who already had been returned, and who in accordance with the original order had to be taken out of camps and surrendered to the police. That I succeeded in doing, but that was all.

After that very serious clash --

Q Please, will you tell me who was present during that row ?

A As far as I can remember, Colonel General Jodl was certainly at least partly present, having heard some of these things, though perhaps not every wor because tobegin with he was in the adjoining room. At any rate, Jodl and I returned together to our quarters and we discussed the case and talked about the extreme awkward consequences which the whole matter would have. On my return to my quarters I immediately ordered General von Graevenitz to visit me and told him to report to me the following morning.

I must clarify in this connection that Reich Marshal Goering was not present. If I have been a little uncertain about that some time during an interrogation, then it was because I was told that witnesses had already confirmed that Goering was present. But right from the beginning I considered it was improbable and doubtful. It is therefore also incorrect that Goering raised any accusations against me at the time. There hadn't been a conference in Berlin either. These are mistakes which I think I can explain by saying that the report made by Graevenitz who came with Westhoff, that he had experienced a scene such as was most unusual in military life, because of the harshness of the words I used in that connection, because of that incident.

H0102 - 0017

Do you want me to say anything more about the discussion with Graevenitz?

Q The only thing I am interested in in this connection is, whether you reiterated Hitler's order, which he had given earlier, in such a sense that he, Graevenitz, and Westhof who was also present, would gather the impression and be of the opinion that you yourself had issued the order for the shooting of the escaped fliers?

A According to the record of this interrogation of Westhof's , which I have seen, I can, I think, clarify it by saying the following:

First of all, I raised serious accusations -- I was extraordinarily excited. I must say that even the order that the prisoners were to be retained by the police caused me extreme worry regarding their fate. I want to say that openly, because the possibility of their being shot during escape did excit in my conscience. I certainly talked in extreme excitement at that time and didn't weigh every word carefully. And I have certainly repeated Hitler's words, which were, "We must set an example! Since I was afraid of any further serious interferences with the prisoners of war system in any otehr form, apart from this incident of the non-returning of the prisoners to the Armed Forces after having read the record and after having seen Westhof at the same time that I had said "They will be shot, and most of them are probably dead already," I consider it probable that I have said some such words. I may have siad, "You will see what an unfortunate story this is; it is quite possible so many have already been shot." I knew nothing, however, about the fact that shootings had already taken place, and I must admit and confess that Hitler never said a word about anybody being shot, in my presence. He only said, "Himmler, you will hang on to them; don't give them up." The fact that shootings had taken place did not become known to me until several days later, and I gather from the filer and the Government reports from the British Government that not until the 31st -- the escape having been on the 25 -- that not until the 31st did the actual shootings take place.

That is where Westhof is making a mistake, when he is under the impression that the order had already been issued in the camp that it was to be made known who had escaped and that a nominal roll had to be published of those who had been shot. That order didn't come until later, and I remember it. I remember it

H0102-0018

because of the following story:

On one of the subsequent days -- I think on or about the 31st -- one of the adjutants told me that a report had been received that shootings had taken place. I requested a discussion alone with Hitler, and told him that I had heard that people had been shot, through the police. All he told me was that he too had received that. In extreme disgust I told him what my opinion was, and at that time he told me that it was to be published in the camp to scare the others, and subsequently that announcement appeared in the camps. At any rate, some of the recollections which Westhof has sworn to are not quite correct in his recollection. Even his expressions as he puts them may have faults -- be very faulty -- but about that, of course, we shall hear him personally.

Q Did Hitler tell you at any time that he had ordered the shootings?

A No, he has never told me that. I have never heard it from him. I heard it very much later, as far as I can remember, through Reich Marshal Goering, since the whole incident was of course the subject of many discussions and conversations, it being an Air Force camp.

Q And now I should like to say finally: Am I right in saying that you are stating under oath here that you did neither give such an order for the killing of these Air Force officers yourself personnaly, nor did yourreceive and transmit such an order, nor did you learn yourself who gave the order?

A That is correct. I neither received that order nor did I know or hear of it; nor did I pass such an order on. That I can state and repeat under oath.

Q We are now turning to deportations: What the Prosecution consider the deportation of workers to be, is the transfer of citizens of occupied territories to Germany or other accupied territories for the purpose of using them for slave labor on defense work or for any other tasks connected with warfare. That is the accusation which I have just read to you. Now, the prosecution has connected your name to these accusations repeatedly, in the sense that you had taken care of supplying workers to Germany war economy -- you and the OKW. You know that actually the Defendant Sauckel was the Plenipotentiary in that sphere and I should like to ask you whether before Plenipotentiary Sauckel had been appointed, workers had been taken from the occupied territories and brought to

H0102 - 0019

Germany.

A As far as I know, workers were transferred from occupied territories particularly the Wesr, Belgium, Holland -- I don't know about Holland; but France -- workers were transferred from these territories to Germany. That is, at least how I heard it, according to what I heard, it was done by voluntary recruiting. I think I can remember that on one occasion General von Stuelpnagel the military commander of Paris, told me in Berlin during a meeting that more than two hundred thousand volunteers had reported, but just when that was, I cannot recollect now.

H0102 - 0020

A. The first two documents, P -137 and PS-138, were dictated in part by me at headquarters. They were sent to departments of the Army, and it says here, "To the Commander-in-Chief of the Army, to the Commander of the Wehrmacht in the Netherlands, and the Commander-in-Chief of the Army for Occupied France. These matters originated to answer questions put by various military departments who considered themselves responsible for the safekeeping or guarding of those things which were in occupied territories, and also officers who obviously were to collect and to register or otherwise be connected with theseobjects of art--libraries -- and wanted to confiscate them.

In one case I believe the Commandin-in-Chief of the Army who protested called me over the phone. In other cases I believe through Rosenberg the Fuehrer gave me his directions that I was to instruct military departments to agree that they were concerned with directives which he had ordered and with which he agreed. You can see that these documents were given out by my adjutan I myself dictated them on the orders of the Fuehrer and transmitted them. Perhaps these inquiries occurred because nothing had been prescribed prior to that time. Just what happened or was to happen to these objects of art I did not know. I always represented the view that we were concerned with safeguarding, and confiscation was not to be thought of. That question didn't ever occur to me at the time.

In the course of proceedings I gave these directives, but beyond that I did not concern myself with these matters at all. I considered these measures to be purely protective, and did not consider them unjust because of that reasons.

Q. Then you mean the OKW had no jurisdiction, no competence?

A. No.

Q. It was just a transmission of letters to officers and departments to make known the will of Hitler and to support Rosenberg in his task?

A. That is right.

Q. In this connection I would like to put a personal question to you. Did you at any time so far as the objects of art of conquered countries or occupied countries are concerned either from state or private property -- did you ever take any of these objects of art or did any department give you any

H0102-0021

object of art?

A. No, I was never concerned or connected with these matters at all.

Q. Now, we will come to the so-called economic exploitation of occupied countries. In this connection, in your position as Chief of the OKW, you are accused of participating in the economic exploitation of the occupied eastern countries and the western occupied countries. This question has already been touched in the testimony and cross-examination of Reich Marshal Goering, therefore I will try to treat this matter relatively briefly. But I need a certain amount of clarification from you, that is, how far you and OKW were connected with these matters, for your name and OKW and you yourself are mentioned frequently in this connection. Through the Wirtschafts Ruestungs Amt (economic armament office), which was a branch of the OKW, General Thomas prepared a compilation which was produced by the prosecution. What can you tell me to this question, when I submit document 1157-PS and USSR-80 to you? If I submit these two documents to you --

A. PS-1157 deals with the Plan Barbarossa Oldenburg. I would like to say the following: The Wehr Wirtschafts Amt under the leadership of General Thomas, so far as the organization in the Reich which had its corresponding offices first of all for the campaign in the west and then for the campaign Barbarossa in the east is concerned, carried out certain organizational preparations to the effect so that the high command post, such as supreme command post, and advisers and experts for war economy and supply questions, that they receive this personnel. The persons who were with the quartermaster had the task in occupied and conquered countries, so far as food supplies, grains, and so forth were concerned, to take over all of these supplies which could be used for the army. They were to safeguard these supplies, and then in connection with the General who took care of supplies for the army and he who was in charge for the bringing up of supplies for the advancing troops, that all of this material was to be placed at their disposal.

As far as the western area is concerned, French and Belgium, certain measures were taken so far as war economy is concerned. These things were saved for later use in the east, and I believe Reich Marshal Goering has already explained these matters at length. A totally different method was used,

H0102 - 0022

that is, not only that of supplying of troops, but also the exploitation of those conquered territories; and organization was planned accordingly. The Wirtschafts Amt Ost and Oldenburg -- that was the name given to it.

The connection to the OKW existed and may be traced back too, but it also must be limited whereby organizational preparation of the technical experts which were required worked together with the Four-Year Plan and the food ministry and the Wirtschafts Organization Oldenburg. So far as the giving of orders and its activity, the OKW and its chief -- that is me -- we did not have any command power. The organization had been in existence, and it was now to be used by him who had the task to apply this instrument, to give instructions, and to work with it. When General Thomas wrote in his book, which is available here as a document --

Q. 2353-PS, page 386. Perhaps you can give us a summary after you have finished reading it?

A. Yes. This is an excerpt from the book by General Thomas in which he described his own activity and the activity of the organization which he directed in the OKW. Beginning with the origin of the organization up until the war years he says here, "The activity of the Wirtschafts Ruestungs Amt during the execution of the eastern campaign was to be considered only as a directive principle and in the counselling of the east."

Q. Please ready only paragrph four for your summary.

H0102 - 0023

Q Was the OKW officially connected with these questions?

A No, the OKW had nothing to do with it. These matters were handles through the well known channels--the supreme commanders of the army and then through the military commander in France or Belgium, but, of course, the essential departments were those at home in the Reich, but the OKW has never had anything to do with this.

Q What was the situation regarding the administration in occupied territories?

A In occupied territories with civilian administrations, the armed forces had been excluded from any administrative or executive powers. In those territories, therefore, the armed forces and their subdepartments had nothing to do with it either. Only in those territories, which were still operational areas for the army did we have executive powers, the military troops, the supreme commanders, so on and so forth. The OKW was once again not included in the service channels.

Q The defendant Saukel has, according to the record of an interrogation which has been submitted here, said that it was a matter for you or the OKW to instruct the military commanders of the occupied territories and that he, during his recruiting campaigns, had had their support. What can you say of that?

A That view of Plenipotentiary Saukel can be explained obviously by the fact that he neither knew the official service channels nor the jurisdictions that were used in the armed forces. Also, on one or two occasions, he may have seen me present during discussions regarding the furnishing of laborers, and, thirdly, on occasion he came to see me when he reported to me after he had his orders. It was probably by Hitler's orders that he went to see the Chief of the OKW, but the OKW had nothing to do with it. It had no right to give orders, but I did agree to represent the General Quartermaster and Saukel in any matters connected with the OKW, but any orders to military commanders or any such service departments in the occupied territories have never been given by me. It was, in fact, not one of the tasks of the OKW to do so.

Q A document has been submitted here according to which General Stapf and Nagel had agreed to ask you to exercise pressure or coercion

H0102 - 0024

during the recruiting campaigns in the East. That, at any rate, is the statement made by the Prosecution. Do you know this story?

A It was brought back to my recollection when the document was presented. It was obviously an attempt on the part of Stapf, who had worked under me for a long time, to get some cooperation of the Fuehrer through me as an intermediary. An attempt had obviously been made by Stapf, who was the Director of the Economic Staff East at the time, and General Nagel, who was also mentioned in this connection, who had the Economic Inspecterate Department in the East, an attempt to include me in the problem and, according to the document, to try to have some pressure brought to bear from above, but I took no steps at all on that as I had nothing to do with these matters.

THE PRESIDENT: Perhaps we might adjourn now.

(A recess was taken.)

Q The French Prosecution, among others, has accused you of issuing directives regarding the safeguarding and confiscation of objects of art, libraries, and so forth. Before the campaign in the West or in the East, were there any military orders, directives or general principles laid down which would apply to objects of art and how these things were to be treated?

A No, according to my knowledge, nothing existed about these matters at all. We had thought carefully and thoroughly, but in this respect, nothing had been done, and I do not know that any directives or any instructions of any kind existed.

Q I am submitting three documents to you--documents submitted by the French Prosecution--in which you are mentioned in connection with the special staff of Rosenberg. These are documents PS-137, PS-138, and PS-140. They are documents by the Chief of the OKW to the commander in chief of the army in France and in the Netherlands.

H0102 - 0025

A "For the leadership of economy or general directives of the Eastern territory the Wirtschaftsfuehrungs Stab Ost, which belonged to the Four-Year Plan and the Plan Barbarossa Oldenburg, was responsible. All State Secretaries were responsible. Responsible for the execution of all measures of economic and armament matters was the Wirtschaftstab Ost under the direction and command of the Reichsmarshal.

Q What were the relations or the conditions in the West?

A Very briefly, the small group of experts which were active in the Quartermaster Corps in the West at a later phase of occupation--as far as anything beyond a continuous supply for daily needs of the troops, including fuel, was concerned, there was a special directive beginning with June that has already been explained by the Reichsmarshal, and the power for that was given over to the Four-Year Plan and the plenipotentiary for that. That was the Fuehrer decree.

Q That was in this Document 2353-PS, which we have already mentioned, and it was laid down by General Thomas on page 304. I don't need to read this and ask that the High Tribunal permit, so that questions on this matter might be presented, that the affidavit of the defendant in Document Book No. 2, for the Wirtschaftsruestungs Amt (The Economic Armament Office) in the OKW would be considered as Document K 11 to be submitted in evidence. I assume that the Prosecution will agree with this procedure.

THE PRESIDENT: What number is it in Book 2?

DR. NELTE: Document Book No. 2.

THE PRESIDENT: Yes, but --

DR. NELTE: No. 4 in this Document Book No. 2. It is page 27 and following, Document Book 2, which has been submitted to the Court. The document is dated 29 March 1946.

THE PRESIDENT: What date did you say it is?

DR. NELTE: The 29th of March 1946. I believe there is no date found in the copy on the document book. I will present the original. The date is on that original.

THE PRESIDENT: How is it described at the head of the document? We have a document dated 4 March 1946, "The Economic Armament Office of the

H0102 - 0026

Supreme Command of the Wehrmacht".

THE PRESIDENT: Yes, very well.

DR. NELTE: It is possible, Mr. President, but there does not seem to be any doubt about the identity of the document.

BY DR. NELTE:

Q Now I am coming to a topic which is being presented again and again beforethe High Tribunal, a topic which seems to be very difficult on th account and especially since very little understanding is known as to why these questions are put. In any event, you have been accused of the fact that in your capacity as a member of the government, as the Prosecution contends, you had knowledge, and must have had knowledge, of those things which took place in concentration camps. Therefore I am obligated to put this question to you: Just what you know about the existence of the concentration camps--how much you knew and in what connection you had contact with them. Did you know about the existence of concentration camps? Did you know that they did exist?

A Yes, I knew even before the war that there were concentration camps and at that time I knew of two camps, and I surmized and assumed that beyond these two which I knew of there were other concentration camps. As far as further particulars are concerned about the existence of concentration camps, I didn't have them. As far as internees in such camps were concerned, I knew that habitual criminals were there and political opponents, and as Reichsmarshal Goering has said, that was the basis of these institutions. That was the reason for having them. Shall I continue?

Q Did you hear anything about the treatment of internees?

A No, I had no particulars and heard nothing. I assumed that this was an apprehension place where severe measures would be taken, or severer measures would be taken, and were taken; but as to actual conditions and as far as mistreatment of internees was concerned, as has been shown here, I didn't know about that.

I tried to free individuals who I assumed were in concentration camps. Once I was concerned with the freeing of Pastor Niemoeller, and that was in connection with Raeder. I tried on the request of Grand Admiral Raeder to free Pastor Niemoeller from the concentration camp, this this attempt did not

H0102 - 0027

succeed. I made a second attempt on the request of a family in my home village where a farmer was in a concentration camp because of a political matter, and in this case I succeeded. The individual involved was freed. That was in the autumn of 1940. I talked with this man, and on the question of just what did take place he gave me an answer which really didn't tell me anything; but anything beyond that I did not hear from this man. Beyond that I knew nothing of other cases.

Q As to this conversation, did you have the impression that nothing had happened to this man?

A Undoubtedly. I didn't see him directly after his release. I saw him later at my own home and talked with him, because he thanked me. He didn't say anything about having been badly treated or anything like that at all.

Q It has been said here that in these concentration camps there had been officers of the Wehrmacht.

A I am convinced that these visits took place at the request of Himmler. I was invited by him personally, once. That wasto visit the Camp Dachau that he wanted me to see; and I know that officers in delegations of a larger or smaller number visited to inspect and see what was going on. But I am not able to say just what took place, especially in connection with what has been shown. As a supplement I would like to say it was not-- one would hear that all sorts of things took place in concentrrtion camps I do know that if any one had voiced these rumors to me and one would have said, "What do you know and just where do you know that from"? this person would always say, "I really don't know; I just heard this myself." You could never pin a person like that down. One might have had thoughts about these things; but as far as actual knowledge of these things was concerned, no one had any real knowledge and couldn't have it.

H0102 - 0028

Q You heard that medical experiments were made on these internees, and that that allegedly took place in connection with higher channels. I would like to know whether you personally, or you in your official capacity, had knowledge of that.

A No, neither in my official capacity nor in any other way; I never heard anything about these medical experiments.

Q I am turning now to a complex of questions relating to an assertion by the prosecution that you intended, or, in any case, were participating, in aiming to have General Weygand and Giraud Assassinated.

You know that Witness Lahousen, on the 30th of November, 1945, testified that Admiral Canaris, since November of 1940, was being pressed by you to do away with the Chief of the French General Staff, General Weygand. Lahousen said further that Canaris told theheads of his departments that, after having talked with you.

Did you talk with Canaris about this case of General Weygand?

A That is probably true on the whole, for at that time there were intelligence reports that General Weygand was traveling in North Africa, that he was inspecting colonial troops as well, I consider it as a matter of cours that I told the Chief of Counter-Intelligence, Canaris. It would have to be possible to determine the aim of his journey, at which spots he was traveling in North Africa, and whether any military significance should be attached to this visit, whether there were any intentions on his part towards any activation of the Colonial Troops in North Africa. He was to try, through his department, to find out just what was taking place.

Q And I assume to have him watched?

A Yes.

Q Could the Counter-Intelligence Department send its people to North Africa?

A I believe so, yes, by way of Spain and Spanish Morocco. There were channels of getting information and intelligence, and Canaris, as I knew, had connections to Morocco by way of Spain, and he made use of these channels.

Q My question was concerned with this, whether, after the agreement wit France, an official possibility existed to visit North Africa.

A Yes, of course. After the armistice there were Disarmament

C

H0102 - 0029

Commissions, and these commissions were in North Africa, as well as in France. Many departments of the Army were connected with the control of the armament of the North African troops.

Q Could there have been any interest in wishing General Weygand ill? Was he a specific opponent of Germany? Could it have been for political reasons or what reasons?

A In order to judge conditions and relations, that General Weygand might be considered uncomfortable -- there is no basis for any statement like that. At the end of September and the beginning of October of the same year, connections with Marshal Petain had been started then, on the well-known collaboration policy, which, in the winter of 1940-41, reached its climax. It was absurd to even think of wanting to do away with the Chief of Staff of Marshal Petain.

In the general treatment of the situation in North Africa, such was not to be thought of because we had many officers and professional soldiers in the Colonial Army in the winter of 1940-1941. We freed them from their imprisonment and gave them to the French Government for their use. Among them there were generals, and I remember General Juin, who, according to our knowledge at that time, had been Chief of the General Staff of North Africa for many years. At my suggestion this man was put at the disposal of the Marshal, with the aim of using him for Colonial purposes.

Not even the slightest motives were present to wish General Weygand ill or to think of anything drastic.

Q Is it correct that even conferences with the French General Staff and Laval took place about a general operation in Africa and an enforcement of West Africa?

A Yes. Among the documents of the French Armistice Delegation there must be a large number of documents in which all conceptions regarding North Africa and Central and West Africa were asked for in connection with the fact that even in the winter of 1940-41, in French Central Africa, riots had taken place, against which the French Government wanted to take measures.

I believe in the spring of 1941, in Paris, a conference of several days' duration took place, with the French General Staff, for the preparation of measures in which the German Wehrmacht would participate.

H0102 - 0030

Q Therefore, there is no motive which we can see, and in this conversati with Canaris something must have been said which could lead to this misunderstanding. Can you tell me anything at all which might have brought about this misunderstanding?

A According to the very comprehensive picture drawn by Lahousen in his testimony, perhaps at a later meeting I said, "Just what about Weygand?" Then Lahousen might have drawn the conclusion in that sense, as he pictured it here. He said, "Dem Sinne Nach", in the sense to have him put aside, and, in answer to the question, that was, he said, to have him killed, and it is to be inferred in that way.

I must remark that Canaris was alone with me frequently, and sometimes brought the chiefs of his departments along. In these discussions which we had alone, I believe he was frank with me. If he had misunderstod me, we would have discussed it, but he never said anything like that.

Q Is it clear in your mind that if a putting aside of Weygand had been considered at all, it would have been an act of high political significance?

A Yes, of course. In the collaboration of Hitler and Petain that would have been one of the most remarkable political acts which would have been possib

Q Then you believe that if that had taken place a break would have resulted?

A Yes, one would have had to count on that.

Q You mean with consideration of the personality of Weygand?

A Yes.

Q Can you say anything at all to clarify this matter? Can you state any reason why some things which never did take place --

A Even as to the later facts -- that is, the bringing of Weygand to Germany, and the occupation of the so far unoccupied Southern France -- I can tell you only what I was told by the Fuehrer himself. He had decreed that there was to be an interning in his own home, without disturbing the General.

H0102 - 0031

It was to be an honorary guard, but not at all a prisoner of war state. That was in the year 1942.

Q. Therefore, you dispute conclusively and repeatedly under oath that you ever gave an order or in any way expressed yourself that the conclusion might be drawn that you intended or you wished that General Weygand be put aside?

A. Yes, I can confirm and assert that again.

Q. The witness Lahousen also talked about the case Giraud and gave a picture similar to that of the case Weygand. In both cases he was not, because of his own knowledge, in a position to say that you had ordered that, bu he did report what Canaris had told him and illustrated his testimony through later happenings. The case Firaud created a sensation at the time. I would like to have you give us your picture as you saw it and your part in the conversations about Giraud.

A. The flight of Giraud from the Fortress Koenigstein near Dresden on the 19th of April, 1942, created much attention, and I was accused of laxity in guarding a military fortress. The escape was successful despite all attempts to recapture him on his way back to France -- to apprhend him either by the police or through the military.

Canaris had instructions from me to watch all border stations to France and Alsace-Lorraine -- to supervise these border stations most exactly so that we could recapture him. The police were taking part in this humt too.

Eight to ten days after his escape it was made public that the general had arrived home in France safely. If in this period any directions were issued by me, in the preliminary interrogations I have already stated these words which were probably used -- "We have to have the general back either dead or alive." Something to that effect I am sure I must have said. He had fled and was now in France.

The second phase: Through the embassies Foreign Minister Ribbentrop made efforts to have the feneral returned voluntarily to a state of prisoner. The general declared himself ready to come to the occupied territory and discuss this matter. My opinion was that it might be possible that the general

H0102 - 0032

would do this, on the basis of the friendship which Petain had received as far as the freeing of French generals from prisonership was concerned.

Then, in occupied territory, in the headquarters of a German army group, this meeting was effected with General Giraud and the discussion of his return took place. By telephone I was advised of the presence of the general in occupied territory. It was in the hotel where the German officers were billeted.

The proposal of the commanding general was that if the general did not wish to return voluntarily it would be very simple to apprehend him. The approval for this was categorically refused by me, for I considered it a breach of confidence. The general had come in confidence and he returned unmolested.

Third Phase: The attampt and the wish in some way to have the general back in military custody might be traced back to the fact that Canaris told me that the family of the general was in territory occupied by German troops, and it would be a matter of course that the general would try to see his family, perhaps only after a certain period of time after calm had returned to the situation. He suggested certain measures to me, so that if the general was carrying out such visits to recapture him at that time. Canaris said that he personally would take these preparations through his offices in Paris.

In the sunsequent period of time nothing happened, and as a matter of course I asked -- Lahousen was with Canaris and other men were with him -- what happened in the case of Giraud or just what was taking place on the question of Giraud. The words used by Mr. Lahousen were : "It is very hard but we shall do everything." That was his answer. Canaris did not reply at all. That is something which I am just seeing today for the first time, although it wasn't significant at that time.

Shall I continue? This is the fourth phase: Hitler now told me, "This i just nonsense. We are not getting any results. Counter intelligence is not concerned with this and can't handle this matter. I will turn this matter over to Himmler and let us keep the counter intelligence out of this, for they will

H0102 - 0033

never reapprehend the general."

Admiral Canaris said at that time that he was counting on the fact that if General Giraud set foot in the occupied territory he would take the necessary security measures through the French secret state police and perhaps a conflict might ensue. But it was well known that the general was a very doughty

H0102 - 0034

soldier, and at the age of sixty he had lowered himself by a rope over a precipic That is how his escape was effected.

Fifth phase: According to Lahousen, the giving over of the task to the Secret State Police, the chiefs of the divisions had done this because I again asked "How are matters with Giraud?" He wanted to be rid of such troublesome problems. Canaris came to me and asked me whether he should transmit this mission to the police or the RSHA and I said "Yes"; for the Fuehrer had told me repeatedly that he wanted to transmit this mission to Himmler.

The next phase: Some period of time later Himmler came to see me and confirmed to me that he had had the order from Hitler to supervise and guard Giraud and his family unobtrusively and said I should stop Canaris concerning himself with this case. He had reports that Canaris was trying to carry on matters along parallel lines. I agreed.

Now we come to the phase which Lahousen described at length that I asked about "Gustav". I wanted to direct Canaris immediately to stop all of his activity in this mission, for the Hitler decree had come out.

According to the lengthy reports by Lahousen that excuses were sought and other things, that things were looked at in a mystic way, as he describes it-- this is more the creation of fantasy rather that reality, I had Canaris summoned to me, for he was at Paris rather than Berlin. In the beginning he had done nothing, and he considered himself in a very uncomfortable position as far as I was concerned, for he had lied to me. When he came I said, "Do nothing more in this matter; keep yourself entirely away from it.

Then the next phase: The escape which took place without any trouble-- the escape of the General to North Africa by plane-- this was reported before the invasion of North Africa by the Anglo-American troops. That concluded the case.

Neither counter intelligence nor police activity ever took place, and never did I even use the words "To do away with the General." Never did I use such language.

The final phase in this entire thing perhaps sounds like a story, but it is true nevertheless. The general, in 1944--perhaps in February or March--took a pl plane or had a plane sent from North Africa to the region of Lyon in France, with a liaison man who reported to the Ausland Abwehr and asked whether the

H0102 - 0035

General could return to France and what was to happen to him on his landing in France. The question was turned over to me. Colonel-General Jodl is my witness that these things actually did take place. The chief of the counter intelligence was with me, and the answer was that he was to have the same treatment as General Weygand who was already in Germany.

There is no doubt that the Fuehrer would agree to dissimilar treatment. Nothing actually did happen, and I have no further knowledge as to what took place later on; but these events actually did take place.

H0102 - 0036

Q To supplement this matter, I must put a few questions to you for the French Prosecution has mentioned that later, in a later phase, the family of General Giraud had inconveniences or disadvantages of a rather serious nature. In this connection with the investigation of Giraud, you remember at this time he was in occupied France, did you cause them any trouble? Did you give them any directives which would limit the family in any way?

A No. It was an unobtrusive supervising of the residence of the family so that a visit whichhe might have had planned -- so that we would know about it. But no measure of any kind was taken at the time. There was nothing like that.

Q That is, no measure was taken by you and you had no knowledge of anything having taken place?

A No.

Q General Giraud is still alive and I again ask you. Can you confirm or assert -- did you give an order or a directive which might be interpreted that General Giraud was to be killed?

A No. I never gave an order of that kind. That would have been silly. The sentence "We have to have him back, dead or alive," it did not have anything to do in that connection. I never gave any order of this kind.

DR. NELTE: I have concluded my direct examination of the Defendant Keitel. I will ask that you permit me the affidavit -- the last one -- in document book number 2, Affidavit No. 6. I would like to submit that affidavit in evidence. It is on page 51 following and .....

THE PRESIDENT: Didn't you put that in as EK-12 yesterday?

DR. NELTE: K-13, Mr. President.

THE PRESIDENT: I have K-12.

DR. NELTE: Today I submit it as K-13.

THE PRESIDENT: This affidavit that you want to submit now, where is it and what's the date of it?

DR. NELTE: It's page 51, following, and it is dated 9 March 1946.

THE PRESIDENT: Yes, I see.

DR. NELTE: This affidavit has also been attested to by Colonel General Jodl and I ask that when he is called on the witness stand that I may ask him

H0102 - 0037

about this affidavit and submit it to him for his confirmation at that time?

THE PRESIDENT: Very well.

MR. DODD: If the court please, we have looked into the matter of the so-called interrogation of General Von Falkenhorst referred to yesterday and Dr. Nelte, insofar as we can determine, this paper was never offered in evidence by any members of the Prosecution. It was referred to by M. Dubost, I mean, it was not referred to b him but it was included in his brief. I did not refer to it and I did not offer it in evidence. That is how it came into the hands of Dr. Nelte, but not in evidence.

THE PRESIDENT: Does Dr. Nelte want to offer it in evidence now?

DR. NELTE: I ask to submit it as K-14, as exhibit No. K-14.

THE PRESIDENT: Has it got a PS number or another number?

DR. NELTE: No, Mr. President, it has no other number.

THE PRESIDENT: Thank you. Now, do any of the other Defense Counsels want to ask questions?

DR. STAHMER (Counsel for Defendant Goering): Dr. Stahmer -- for Defendant Goering.

Witness, in connection with your former statement, you answered the question of your counsel with certainty saying that Reichsmarshall Goering was not present at the conference in which Hitler gave directives about the fliers which had fled from the Camp Sagan and after that you further said that a briefing conference with Goering in Berlin did not take place. I only have the following question. Several weeks after that escape, were you informed by the General Staff of the Air Force in a letter -- were you informed that the Luftwaffe wanted to relinquish these prison camps?

A Yes, I received this letter and after repeating it to Hitler I also sent it to him.

DR. STAHMER: I have no more questions.

DR. SEIDL (Counsel for Defendant Frank): Dr. Seidl -- Counsel for Defendant Dr. Frank. The defendant Dr. Frank, was, at the beginning of the war, a Lieutenant in the Regimental 9th Army, is that correct?

A Yes.

H0102 - 0038

Q Do you remember, in the year 1942, that you received, in 1942, a letter from the then General Governor Dr. Frank concerning the fact that he wanted to rejoin the Wehrmacht? The purpose of that letter was to be relieved of his office.

A Yes, a letter of that kind was received by me and I presented it to the Fuehrer who, by a typical Hitler gesture -- it was a simple gesture - rejected the matter. Through the officer who at the time was with Frank I let him know about that decision.

DR. DIX: (Counsel for Defendant Schacht): Sir, it is three minutes to one and it won't take me very long, but it might take me beyond 1:00 o'clock, so that if we could adjourn now I could put my question to the witness after it is over.

THE PRESIDENT: Very well, we will adjourn until 2:00 o'clock.

(The Tribunal adjourned until 1400 hours.)

H0102 - 0039

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Hoering et al, Defendants, sitting at Nurnberg, Germany on 5 April 1946, 1400-1700, Lord Justice Lawrence presiding.

WILHELM KEITEL -- resumed.

DIRECTI EXAMINATION -- continued.

DR. DIX (Counsel for defendant Schacht): May it please the Court, this witness is competent and has full knowledge in order to give the Tribunal definite figures about the expense for armaments undergone by the Reich but the witness is certainly not in a position to have these figures ready at all times. My colleague, Professor Kraus, therefore, during my absence, was kind enough to mark these figures down in cooperation with the assistance of the witness and this written statement at that time, in order to avoid any misunderstanding, was signed by the witness. In order to assist his memory or recollection concerning these figures, I ask now to be permitted to have submitted to the witness this statement which he had signed. Of this document, I have had translations made into three languages in question and I now submit to the Tribunal eight copies. I also have four copies for the four delegations of the prosecution, and in German I have copies for the defendants' counsel, of Keitel, Jodl, Raeder, Doenitz, and the OKW. May I ask for just one moment so that the witness can read it?

BY DR. DIX:

Q Witness, would you please refer to or look at the first column which has the title "Total Expenditures," the second and third column, which sub-divide these sums and show that they have been raised by the Reichsbank on the onehand and on the other side those are figures which I should like to have certified during the interrogation of Schacht himself, because these were the results of calculations of Schacht, and the witness here cannot give any information about these, but may I ask you concerning these armament expenditures of the Reich from 1935; that is, the fiscal year from the 31st of April to the 31st of March. May I ask you whether the

H0102 - 0040

figures which we have here, of 5 billions for 1935, 7 billions for 1936, 9 billions for 1937, 11 billions for 1938, and 20.5 for 1939, are those figures correct?

A According to my conviction these figures are correct. May I also add that I had an opportunity during the beginning of my period of captivity to speak to the Reich Finance Minister about these figures and we found coordination of our opinions.

Q Now, a question about the condition of the armament of the Reich on the 1st of April 1938. Is it correct to say that at that time there existed 24 infantry divisions, 1 armored division, no motorized division, 1 mountain division, and 1 cavalry division, and that there were in the proces of being established, 10 infantry divisions and 1 armored division, and if I may limit it further, that of the three reserve divisions on the 1st of April 1938, none had been completed and only 7 to 8 were in the process of being established, which was expected to be done by the 1st of October 1938.

H0102 - 0041

A I consider these figures correct and therefore I have also confirmed this affidavit.

DR. DIX: That is as far as this documents goes. I would like to put two more questions tot the witness which have not been discussed with him and concerning which I do not know whether he is prepared to give us the figures in question.

BY. DR. DIX:

Q I consider it possible that the Tribunal would be interested in the proportion between the Reich, on the one hand, and Czechoslovakia on the other hand that is the relation of strength at the time of the march of Hitler into Czechoslovakia; that is the relation of strength (a) concerning the armed forces and (b) the civilian population.

A I could not give accurate figures about that at present. In a previous interrogation I have been questioned about it and I believe that I gave quite correct figures, saying that in the fall of 1938--

Q You said 1938?

A Yes, 1938.

Q I mean now the time when Hitler marched into Czechoslovakia. That was in 1939.

A That was in the year of mobilization, that is to say at that time as far as figures are concerned, there were less divisions in Germany than Czechoslovakia could dispose of. In the fall of 1938 they may have been equally strong as far as divisions are concerned. In the spring of 1939, when we marched in, the proportion of strength which was used then was lessthan what had been prepared in the fall of 1938. Accurate figures, if they are important to this Tribund, you could rather get from General Jodl.

Q But as the number of divisions which Czechoslovakia had at its disposal in March 1939, could you tell us anything about that?

A No, I do not know anything about that.

Q Then I will eventually ask General Jodl about that later.

THE PRESIDENT: Perhaps you will actually offer this document in evidence when the defendant Schacht gives evidence. Is that what youintend to do?

DR. DIX: I am going to submit it and it will be included in my book of

H0102 - 0042

documents. Therefore, it is not necessary now that you keep it. You will find it again in the document book at the time when the Schacht case comes up. But I would like to suggest that the copy which I have given to the witness should become a part of the record because my questions have referred to this document. Therefore, it may be necessary to make this copy a part of the record.

THE PRESIDENT: If you want to make it a part of the record it had better be given a number now. It had better be S-1 had it not?

DR. DIX: Yes. Your Lordship, may I suggest SCH-1?

THE PRESIDENT: Yes.

DR. STAHLER: Dr Stahmer, for Dr Servatius for the defendant Sauckel.

BY DR. STAHLER:

Q Witness, on the 4th of January, 1944, allegedly a conversation took place -- a conference took place between the Fuehrer and Sauckel about the question of manpower.

A Yes.

Q Were you present?

A Yes.

Q Did Sauckel on this occasion state with regard to the demands of manpower that the demand could not be fulfilled?

A Yes, he explained it and gave reasons for it.

Q What reasons did he give?

A He reported the great difficulty which was to be found in the areas from which he was supposed to recruit manpower, the strong activity of partisan bands, the difficulty in obtaining sufficient police forces at his disposal and similar reasons. I do not know any more details about that.

BY DR. KRANZBUEHLER (Counsel for defendant Doenitz):

Q Field Marshal, were you the leader of the German delegation which signed the capitulation with which the war in Europe was terminated?

A Yes.

Q When and where did that take place?

A In Berlin on the 8th, that is to say during the night from the 8th to the 9th of May, 1945.

Q Were you asked for a power of attorney which would signify you as the

H0102 - 0043

leader of the delegation?

A Yes. I took the plenipotentiary papers with me to Berlin and these papers had been signed by Grossadmiral Doenitz in his capacity as Chief of State and Supreme Commander of the armed forces and contained, in a few words, that he gave me the power and the order to conduct negotiations and to fulfill the capitulation

Q Were these papers examined by the Allies and confirmed?

A In the course of the afternoon of May 8th they asked me for them and apparently examined the documents and several hours later the papers were returned to me by a high officer of the Red Army with the words that I had to show them again at the occasion of the signing.

Q Did you show it again?

A I have shown this power of attorney when the act of capitulation took place and I added it to the documents.

BY PROFESSOR DR. JAHRREISS (Counsel for the defendant Jodl):

Q Witness, during your testimony you have given us an explanation of the organization of the OKW. This organization was formed by a decree of the Fuehrer and Chancellor on the 4th of February, 1938. In that decree the Supreme Command of the armed forces was designated as the Military Staff of the Supreme Commander of the Wehrmacht. In that light you were the Chief of Staff.

Now, the prosecution has repeatedly named Jodl as your Chief of Staff. Is that right?

A No, General Jodl never was my Chief of Staff and the Chief of an office of the High Command of the Armed Forces, as I have already stated.

Q That is to say, the Chief of several coordinated offices?

A No, There was never such a thing as a Chief of Staff of my personal office

Q Mention was made here about the discussion between Schuschnigg and Hitler on the 12th of February, 1938, at Obersalzberg. You remember that. The Court has been shown a note by Jodl in his diary referring to this conversation. Was Jodl present at this conversation?

A No, he was not present and his knowledge is derived from a conference which I described here between himand Canaris about the information as to certain military preparations during the days after the conference with Schuschnigg, that is to say, it is an impression which General Jodl had gained as a result of the

H0102 - 0044

explanation given to him.

Q In the course of preparations to solve the German-Czechoslovakian questio the Sudeten question, and incident which was allegedly to be construed played a great role. Did you ever give an order to the department under Canaris to bring about such an incident at the Czechoslovakian border?

A No such orders of directives were ever given by me at least.

Q After Munich in October 1938, Field Marshal, the then Chief of the Department of National Defense, the defendant Jodl, left this position and he was transferred to Vienna. Who was his successor?

A Jodl was transferred to the Front. He became an artillery chief with the division in Vienna and his Successor was Warlimont, at that time Colonel Warlimont.

Q That is to say his successor?

A Yes.

Q If I understood you correctly, that is to say Jodl was not only sent on leave but he was transferred out of his office?

A Jodl was transferred out of the High Command of the armed forces as a troop officer with a division and Warlimont was not the deputy but successor to Jodl in the same position.

Q Now, the Prosecution has said that at the occasion of that famous conference of the 23rd of May, 1938 -- no, 1939, Mr. Warlimont was present or allegedly was present as a later successor of Jodl or deputy of Jodl. What had Jodl to do with that conference?

A Nothing, he was at that time an officer at the front and commander in Vienna and he had nothing to do with it.

Q Why did you designate Jodl Chief of the Armed Forces Leadership Staff?

H0102-0045

A. That was in consequence of our work from 1935 to '38 which we had together, and I thought that I could not find a better man for that position.

Q. How did Jodl picture his military career after the assumption of his career in Vienna or in Bruenn?

A. I knew about his passion and his desire to become commander of a mountain division. He has frequently told me about it.

Q. Well, would there have been any chance to get such a command?

A. Yes, I have tried to use my influence with the Supreme Command of the Army, and I remember that during the summer, 1939, I wrote him that his desire to become the commander of a mountain division in Reichenhall -- I don't remember the name -- will come true. I was glad to be able to give him that information.

Q. Were you the one to make the decision?

A. No, I asked the Supreme Command of the Army and he decided.

Q. If I understand correctly, you, yourself, notified Jodl?

A. Yes. I wrote him a letter because I knew that he would be very happy about it.

Q. Yes. May I ask, Fieldmarshal, have you been in regular correspondence with Jodl?

A. No; I believe that was the only letter which I wrote to him during that year.

Q. I ask that for a very definite reason. Jodl was excluded from the OKW. He knows that there was an eventuality of being chief of the Armed Forces Leadership Staff later; that is to say, an important position. He goes to the front, I should say, and one should think that then he would not only receive a private letter once from you but would be kept informed by you regularly.

A. That was certainly not done from my side, and, according to my personal opinion, every general staff officer who comes to the front is very happy if he is not bothered with such things any more.

Q. Yes, but fate does not grant us everything which makes us happy. It could be possible that officially, for instance, one would have to give an

H0102-0046

order to somebody and inform this gentleman, instruct him.

A. No, I have not done that. I don't believe that was done, but I don't know for sure whether somebody might not have informed him.

Q. During the period when Jodl was in Vienna and Bruenn, that is, away from Berlin, was he repeatedly in Berlin in order to get information?

A. I have not seen him and he did not come to see me. I believe it very unlikely because he would have come to see me.

Q. Then I have to understand first that shortly before the beginning of the war, upon a telegram, he came to Berlin and he had to be informed as to what was going on?

A. Yes, that was the first contact between him and myself.

Q. You informed him?

A. Yes

Q. Another thing, Fieldmarshal, you remember, perhaps the somewhat stormy morning in the Reich Chancellory after the Simowitsch Putsch; that was the 27th of March 1941?

A. Yes, yes, Yugoslavia.

Q. If we look back and think of the political and war history of the last two hundred years in Europe, they we ask ourselves:

"Was there nobody during that conference in the Reich Chancellory who could have said, or who had said, 'Instead of attacking a state, whose attitude was not quite clear, right away, shouldn't we deploy our troops along the border and then by diplomatic negotiations find the solution?'"

A. No, under those turbulent conditions during that morning session, as much as I know, Jodl himself, personally, mentioned that in the course of the discussion. I think the suggestion was to deploy our troop along the border and try to find a solution.

Q. If I am correctly informed, in October '41, for the purposes of inspection or a visit to the army group, you were in the east; is that correct?

A. Yes, in the fall of '41 I was frequently with army groups in order to get information for the Fuehrer.

H0102-0047

Q. Was Fieldmarshal Leb the commander of that Harresgruppen?

A. Yes, he was.

Q. Did von Leb tell you about particular worries which he had at that time?

A. Yes, I think that was the next to the last visit to Leb where the question of a surrender -- that is to say, the question of the population of Leningrad -- played an important role, and it worried him very much at that time because there were definite signs already of the population streaming out of the city. I remember that at that time he asked me to make the suggestion to the Fuehrer, wince he could not take over millions of civilian people and feed them within his army group, that a sort of opening should be left that the population could be evacuated in the direction of the Russian side.

Q. Did the population come into your direction?

A. Into the forests of the south at that time, according to the explanation of Leb, there was a certain amount of pressure to get through the German lines and that was recognizable.

Q. And that would have impeded your operations?

A. Yes.

Q. Fieldmarshal, you are aware, I believe, because it has been mentioned before, of the order of the Fuehrer and Supreme Command about the Commandos of the 18th of October '42, PS-498, which has been submitted here?

A. Yes.

Q. Do you know that before an order of that kind would be issued, it would be announced publicly?

A. Yes; that was announced b a daily armed forces report.

Q. We are dealing with the armed forces report of September, 1942, and, after the usual report about what happened, it is stated:

"The High Command of the Armed Froces is obliged, therefore, to issue the following regulations:"

The first paragraph is not interesting and then, as the secondpoint, is the following sentence:

H0102-0048

"In the future all terror and sabotage troops of the British and their allies who do not behave like soldiers, but rather like bandits, will be considered and treated by the German troops as such and they will be killed in the struggle wherever they appear without any consideration."

Fieldmarshal, who has written these words?

A. The Fuehrer personally. I was present when he dictated and corrected it.

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q. Witness, I should like to continue with the point which was the last one that Dr. Jahrreiss mentioned. It dealt with the Commando Order No.498-PS. In that Commando Order under No. 6, Hitler threatened that all commanders would be responsible under court martial if they would not carry out this order. Do you know about the conditions which led Hitler to formulate the order like that?

A. Yes, they are quite clear, I should think; that is to say, based on the demand that this order should definitely be carried out, the general and those who should carry it out would consider it as a very severe one. He wished to put more pressure on that regulation by threatening punishment and to force them to carry it out.

Q. Now, I should like to put several questions to you concerning the character of the so-called group of the General Staff and the OKW. Witness, what do you understand by the German General Staff?

A. The General Staff means to me those officers who by special training are able to be assistants to the higher leadership.

THE PRESIDENT: The defendant has already spent a very long time in explaining the difference between the OKW and the staff of the various commands, and the Prosecution have defined specifically and quite clearly what the group is, which they are asking the Court to declare as criminal, and, therefore, I do not see what relevance any further evidence on the subject can have. What are you trying to show by asking him now about what he understands by the General Staff?

DR. LATERNSER: This question was purely preparatory. After this question

H0102-0049

I wanted to put another one and, by the answer to the second question, I wanted to prove that under the alleged group, one has accused a group under a wrong name.

THE PRESIDENT: I do not see how it matters if it is a wrong name if the group is specified. But, anyhow, the defendant has already told us what he understands by the General Staff. Will you put your second question.

BY DR. LATERNSER:

Q. Witness, if the higher military leaders can be designated in a group as General Staff and OKW, do you consider this name correct or misleading?

A. According to our German military concept, this designation is misleading because for us the General Staff always meant an assistant, a machinery of assistans, whereas the commanders-in-chief of army groups were the commanding generals of the Leadership Corps, the Fuehrer Corps.

Q. The military hierarchy has sufficiently been explained in this trial. I only want to know the following from you:

The relation of these echelons to each other, was it only one of military relation of command or beyond that among these groups; was there a further organization which reached beyond the military duties?

A. No, the General Staff -- that is to say, the General Staff officers could be recognized by their uniforms as assistants to the leader. The leaders or the commanders had no horizontal connections in their positions. There was no organization that would have provided horizontal connections between the top commanders.

H0102 - 0050

Q Yesterday the affidavit was shown to you which Colonel General Halder made. I would now like to mention the last sentence of that affidavit; I shall read it to you:

"That was the actual General Staff in the highest leadership of the Armed Forces."

Is the statement in that sentence correct or incorrect?

A I understand it this way that Halder wanted to say that those few officers who had General Staff positions were the ones who took part in the main work of the General Staff of the Army, while the rest, in large number -- far beyond one hundred General Staff officers in the OKH -- were not connected with it. That is what I think he wanted to say -- a small group that was concerned with these major problems.

Q Do you know of a single incident where Hitler has ever consulted a military leader in a political matter?

A No, that did not happen.

Q I may assume that you were present at the briefing conferences with Hitler, at least most of the time. Could you tell me anything about objections which any commander -- supreme commanders -- who had come from the front lines may have made with or without success?

A As a rule, front commanders who were present were silent listeners at these briefing discussions and then any such commander could make a report about his area to Hitler and there was an opportunity to discuss the things personally and to utter opinions. But otherwise nobody had any opportunity of saying anything.

Q Witness, were you ever present when energetic objections were made to Hitler?

A In the briefing discussions?

Q No, I mean generally. Whatever the occasions may have been.

A I was not, of course, present at every conference which Hitler may have had with Supreme Commanders of Armies, but I don't know of any such incidents. Those cases which were important in this war were the objections of the Generals before the beginning of the war in the West. That, I believe, I have sufficiently explained. And I understand your question now to mean beyond that, whether beyond that, I knew of any case. I have

H0102-0051

to point out, then, that the Commander-in-Chief of the Army at that time went to the limit of anything which he could do as an officer.

Q. What was the attitude of Hitler toward the General Staff of the Army?

A. It was not a good one. One may describe it best by saying that he had a sort of suspicion, a mistrust, and he considered the General Staff arrogant. He had an innate prejudice against it. I believe that is sufficient.

THE PRESIDENT: We have heard all this once, if not more than once.

DR. LATERNSER: Mr. President, I don't believe that this witness has been asked about that. As far as I remember, this particular witness has not been asked about these points.

THE PRESIDENT: Well, the Tribunal unfortunately thinks it has.

DR. LATERNSER: And I was very careful about this point. I would not have put the question if one of my colleagues had put it before.

Q. Would Hitler, should an application for resignation be tendered by one or more front commanders --

THE PRESIDENT: Nearly every officer who has come and given evidence to this Court has spoken upon that subject, certainly many of them.

DR. LATERNSER: Mr. President, is that with regard to the question I have now put?

THE PRESIDENT: Nearly all the officers who have been examined in this Court have told us it was impossible to resign. That is what you are asking, isn't it?

DR. LATERNSER: Yes; I will forego that question, if I can assume that the Tribunal accepts that it is true, which I want to prove.

THE PRESIDENT: The Tribunal thinks it is cumulative; whether they accept its truth or not, it is a different question.

DR. LATERNSER: In this connection, also, I would like to say something. I do not believe that it can be considered cumulative, because it has already been put by my colleague, Dr. Lin. The question to two different witnesses makes a different situation, because the subjective answer of the individual witness is desired. But I will forego that question.

H0102 - 0052

THE PRESIDENT: Is there any other question you want to ask?

DR. LATERNSER: Yes, I have a few more questions.

Q Witness, to what extent was the headquarters of the Fuehrer -- the Hauptquartier -- secure against raids?

A There was a special security detachment -- and also, I believe, from the Army, and also I believe from a company of the Waffen SS -- and very thorough measures in the way of guards, barriers and similar things. It was very well secured against raids.

Q Were there several zones?

A Yes, there was an inner zone and an outer zone -- several areas which were limited individually.

Q You have already stated that the commander-in-chief of the Army groups and Armies in the East, outside of their theatre of operations, did not have any competence or jurisdiction. Was there a tendency to keep that area as small as possible, or as large as possible?

A Originally the tendency was such as to keep that area of operations as large as possible, in order to assure the possibility of movement in the rear area. Only later did the Fuehrer, by energetic means, see fit to limit these zones, to make them as small as possible.

Q Yes, for what reason?

A As he said, in order to free military officers of administrative matters and to limit them to small areas.

Q You mentioned during an interrogation that units of the Waffen SS, which were tactically for combat, were subordinated to the Army. I would like to clarify that particularly, because in my opinion there is still one point not quite clear - the Einsatzgruppe of the S.D., did they have anything to do with the units of the Waffen SS which were subordinated to Army units for the purpose of tactical tasks?

A No, the formation of Waffen SS within the Divisions were so incorporated into the Army units and had nothing to do with anything else. They were purely combat troops.

Q Was it possible for a Commander-in-chief to punish an SS man for any offense?

A Upon apprehension I believe no Commander-in-Chief would have hesitated; but aside from that, jurisdiction was with the top, that is, the Reichsfuehrer, Himmler, and not the Supreme Commander of the particular Army or army group.

H0102 - 0053

THE PRESIDENT: Is there any other question you want to ask?

DR. LATERNSER: Yes, I have a few more questions.

Q Witness, to what extent was the headquarters of the Fuehrer -- the Hauptquartier -- secure against raids?

A There was a special security detachment -- and also, I believe, from the Army, and also I believe from a company of the Waffen SS -- and very thorough measures in the way of guards, barriers and similar things. It was very well secured against raids.

Q Were there several zones?

A Yes, there was an inner zone and an outer zone -- several areas which were limited individually.

Q You have already stated that the commander-in-chief of the Army groups and Armies in the East, outside of their theatre of operations, did not have any competence or jurisdiction. Was there a tendency to keep that area as small as possible, or as large as possible?

A Originally the tendency was such as to keep that area of operations as large as possible, in order to assure the possibility of movement in the rear area. Only later did the Fuehrer, by energetic means, see fit to limit these zones, to make them as small as possible.

Q Yes, for what reason?

A As he said, in order to free military officers of administrative matters andto limit them to small areas.

Q You mentioned during an interrogation that units of the Waffen SS, which were tactically for combat, were subordinated to the Army. I would like to clarify thatparticularly, because in my opinion there is still one point not quite clear - the Einsatzgruppe of the S.D., did they have anything to do with the units of the Waffen SS which were subordinated to Army units for the purpose of tactical tasks?

A No, the formation of Waffen SS within the Divisions were so incorporated into the Army units and had nothing to do with anything else. They were purely combat troops.

Q Was it possible for a Commander-in-chief to punish an SS man for any offense?

A Upon apprehension I believe no Commander-in-Chief would have hesitated; but aside from that, jurisdiction was with the top, that is, the Reichsfuehrer, Himmler, and not the Supreme Commander of the particular Army or army group.

H0102 - 0054

Q Did the various functic ries of the Einsatzgruppe SD, have to report to the Supreme Commanders c the armies upon what they did on orders of Himmler?

A This question has been reated here in great detail by witness Ohlendorf, and I am not informed al ut the connection which existed between the commanders and the Einsatzgrup, commando units. I did not take part in them, and I had no hand in them.

Q That is not what I want . to hear from you, Field Marshal. I wanted to know whether the agents c the Einsatzgruppe of the SD, according to your knowledge of regulatio , were obliged to report to the army commanders in the rear of whose ar s they had to work?

A I do not believe so, but I do not know the orders concerned. I have not seen them.

Q Do you know whether the igher military commanders at any time knew about the intention of Hitler r Himmler to exterminate the Jews?

A According to my opinion that was not the case, and I personally was not informed.

Q Now, I have only one mo question concerning the prisoner-of war complex. It became known du g the war that there were regrettable circumstances concerning the suppl ng of Soviet Russian prisoners of war during the beginning of the East c paign. What was the reason for these conditions in the beginning?

A I can only base my stat ent on what the commander of the army has reported during the briefing c ferences. As I recall, he has repeatedly reported that it was a proble of large masses, that extraordinary efforts of organization were requi d in order to supply and house and guard them.

Q Now, these onditions btlessly were chaotic during a certain period of time. I am thinking of a particular reason which may have existed, and in order to refresh y r memory, I would like to mention the following:

The army had planned establishments in the homeland for the future prisoners of war, because it was t ught in the beginning that these prisoners would be transferred to t e homeland. In spite of thes preparat-

H0102 - 0055

ions, however, I have been told, there came a sudden decree by Hitler who prohibited the transfer of these Soviet Russian prisoners into the homeland.

A I have explained that this morning, and I have said that during a certain time, until September, all transportation of Soviet Russian prisoners of war into the homeland, the Reich area, was not permitted and only after that there was a possibility to transfer them into the home camps, for reasons of manpower.

Q And these difficulties in the beginning could not be remedied with the means at the disposal of the troops?

A Apparently not. I am not informed about that because only the Supreme Commander of that army could know it. That was their responsibility.

Q I have only a few more questions about the position of the Deputy Chief of the armed forces leadership staff, the Wehrmacht Fuehrung Stab. When was that position created?

A I believe in 1942.

Q In 1942? What was the rank connected with that position?

A It would be a colonel or a general.

Q I mean, was it like a position of a division commander?

A Well, I may say like the commander of a brigade or a division, a department head.

Q How many chiefs of department were there in the OKW?

A I could not say from memory. I would not like to give you a wrong figure.

Q What do you estimate?

A Eight chiefs, each one two, three, four departments. About 30 to 35 chiefs of department there may have been there.

Q The Deputy Chief of the Wehrmacht Fuehrung Stab was one of the 30 heads of deparments?

A No, I would not like to say that. We had subordinate to these offices department chiefs. We had department group chiefs. That is, they were over several sections.

Q What were the official tasks connected with that position?

A The supervision and conduct of all the work of those parts of the

H0102 - 0056

Wehrmacht Fuehrung Stab witht the Fuehrer headquarters, to supervise that work according to the directives of the Chief of the armed forces Leadership Staff, Jodl. That was the task.

Q The Deputy Chief of the Armed Forces Leadership Staff, was he in a particular measure responsible for strategic planning, as is asserted by the Prosecution?

A Responsible? He was, of course, not according to his position, but as a matter of fact, he belonged to a small group of qualified general staff officers which were concerned with these things, as Haldar has pointed out.

Q Now, I have one last question. That is the position of the Deputy Chief of the Armed Forces Leadership Staff was therefore not as significant as the other positions which are included in that group of the general staff and OKW?

A I have said chief of a group, of a section in the Armed Forces Leadership Staff and assistant in the group, in the small group of those who had to deal with strategic questions, but subordinate to General Jodl and the departmrny chief in the staff.

Q Field Marshal, I believe that the question such as I have put it was not answered. I have asked you whether the significance, the importance of that position was the same as that of the others which are mentioned in that group of the general staff of the OKW.

A No, certainly not that, because in that group, general staff in OKW, there were the supreme commanders and the chiefs of the general staff, He did not belong to these.

BY DR. BABEL (Counsel for the SS):

Q Witness, you have said in your affidavit K-12 that the SS at the beginning of the war became the front line fighters for a policy of power and conquest. In order to exclude an y misunderstandings, I

H0102 - 0057

should like to clarify the following: What did you mean by SS?

A I can say that what has been read here by my Counsel was a short summary of a much longer affidavit. If you read that, you would find the answer to your question In a more precise form in which I shall state it, I dealt with the Reichsfuehrung SS under Himmler and underthose functions within his competence. police SS, which in the occupied territories appeared and were active. The conceptof the so-called general SS had nothing to do with that. I hopethat clears it.

Q Yes, thank you.

BY DR. BERGOLD (Counsel for Bormann):

Q Witness, the Prosecution in its trial brief has accused the defendant Bormann in connection with his activity in the so-called Volkssturm. In that connection, I would like to put a few questions.

Did the Volkssturm, as it was formed by decree of the Fuehrer of 18 Octob 1944, have an offensive purpose of a defensive purpose?

A To that I have to answer that Reichsleiter Bormann declined any information, any cooperation and coordination of the Volkssturm and the military offic

Q You mean to say that you were not at all informed of the purpose of the Volkssturm?

A No, only so far that I had a certain impression that it meant the last bit of manpower to defend their own homesteads.

Q Within the framework of the armed forces, there was no offensive purpose in it?

A No, only the various parts of the Wehrmacht which had departments of the Volkssturm in their areas either incorporated them or sent them home.

Q Did I understand you correctly that you wanted to say that that institution, the Volkssturm, was a brainchild of Bormann or did that come from Hitler?

A I do not know that. Maybe from both.

Q Hitler did not tell you about it either?

A No, he only spoke about the Volkssturm and similar things, but military officials had nothing to do with it.

Q Did Bormann report any other military matters to the Fuehrer besides thi peculiar thing of the Volkssturm?

A

H0102 - 0058

A He has often accused the armed forces in various ways, I can only assume that what I have heard and assum that it originated from Bormann. I do not know it for sure.

BY DR. HORN: (Counsel for defendant Ribbentrop):

Q Is it correct that the defendant von Ribbentrop, after his return from Moscow in August 1939, on account of the changed foreign political situation--the guarantee pact between England and Poland had been retified--advised the Fuehrer to start certain military measures?

A I had the impression at that time that the orders given to me by Hitler were based upon a conversation between him and his foreign Minister. I was not present at that conversation.

Q Is it correct that von Ribbentrop, just as the other ministers, was for the most part never informed about the strategic plans?

A I can only say that from my point of view and from the point of view of the Chief of the Armed Forces Leadership Staff, that we were not authorized to do it, and we never did it. If the Reich Foreign Minister was at any time informed about such questions, that information could have come only from Hitler and I doubt if he made an exception there.

Q. The Prosecution has submitted a letter of 3 April 1939 concerning an impending occupation of Denmark and Norway which you sent to the then Reich Foreign Minister. In that letter you informed the Reich Foreign Minister of the impending occupation and requested him to take the necessary foreign political steps before that date. Did you instruct von Ribbentrop about the intended occupation of Norway and Denmark?

A. No, I could not possibly have done that. According to the way in which the Fuehrer worked with us, that letter was a somewhat unusual way to inform the Reich Foreign Minister upon orders by Hitler. Otherwise he would not have known about it, and I was charged to write it.

Q. In connection with the testimony by General Lahousen, I want to ask you one question. At the time of the Polish campaign, was there a directive or an order by Hitler to exterminate the Jews in the Polish Ukraine?

H0102 - 0059

A. I can not recall any such thing. I only know that even during the occupation of Poland, after the initial occupation, the problem of the Polish Jews played an important role, and in that connection I once put a question to Hitler, which I believe he answered by saying that that area was well designed to settle the Jews there. Other things I do not remember or do not recollect.

H0102-0060

Q At the time of the Polish Campaign, was there any plan to instigate a revolt in the Polish Ukraine in the back of the Poles?

A I cannot answer that question, although I have heard certain things said here by Lahousen.

DR. HORN: I thank you

BY DR. BOEHM (Counsel for the SA):

Q Fieldmarshal, you were chief of the OKW and also chief of the KGW, that is a prisoner of war system. Did you ever issue orders or have orders issued on the basis of which members of the SA or units of the SA were used to guard prisoners of war or prisoner of war camps, or should have been used for that purpose?

A I cannot remember that any such directive had been issued by the high command of the armed forces. I believe that certainly was not the case.

Q In that connection, was it ever reported to you that any such guarding of prisoners of war by SA ever took place ?

A I cannot remember but I should not mean to exclude that some officers of the army in some particular places may have used SA men for the guarding. I don't know.

DR. BOEHM: Thank you.

THE PRESIDENT: Perhaps we better adjourn now for ten minutes.

(A recess was taken)

THE PRESIDENT: The Tribunal will sit in open session tomorrow morning at 10 o'clock. At 1230 it will take supplementary applications for witnesses and documents, and that at a quarter to one it will adjourn into a closed session.

CROSS EXAMINATION

BY GENERAL RUDENKO:

Q Defendant Keitel, I would like you to tell me exactly, when did you receive your first officer's commission?

A On the 18th August 1902

Q What was the degree and extent of your military education?

A I came into the army as an officer candidate and as a soldier I advanced through the various ranks to second lieutenant.

Q I asked you about your military education, not rank.

H0102 - 0061

A I was troop leading officer until 1909, and then almost six years regimental adjutant. Then during the first World War, battery commander, and then after the spring of 1915, in the general staff.

Q Evidently, the translation was not correct. You finished the military academy or had you taken your military training in some other place; just what is it?

A I was never to a military academy. Twice I participated in so called general staff travels as regiment adjutant and in the summer of 1915, I was ordered to go to the general staff and returned to my regiment later.

Q Just what military training and military rank did Hitler possess?

A Only a few years ago I found out from Hitler himself that after the end of the first World War, he was a lieutenant in a Bavarian Infantry Regiment. Throughout the war, the first World War, he served as a soldier and possibly as a non-commissioned officer toward the end.

Q Should we not conclude, therefore, that you having had extensive training and experience in military matters, had a opportunity to influence Hitler considerably in his decisions of strategic and other military matters as well as all matters concerning the armed forces ?

A No. I have to make a statement in that respect which for the layman and forrthe professional officer, for reasons which are hard to understand, Hitler had studied tactics and strategy and he had a knowledge in military fields which was something surprising. May I give an example for that. The othe other officers of the armed forces will confirm it, that concerning organization, armament, leadership, equipment, of all armies, and what is more remarkable, of all navies of the globe, he was so well-informed that it was impossible to prove any error on his part, and I have to add that also during the war, while I was at his headquarters and in his close proximity, that during the night Hitler studied all the big general staff books by Moltke, Schliefen and von Klausewitz and from there had a tremendous knowledge and therefore we had the impression that only a genius can do that.

H0102 - 0062

Q I do hope that you will not deny that because of your military training and experience you were Hitler's adviser in a number of important military matters?

A I was in his closest military surrounding and I have heard a lot from him and about him; but yesterday when I was asked by my counsel I already pointed out that even in the simpler questions, every-day questions, concerning organization and equipment of the armed forces I have to admit openly I was the one who was advised and not the adviser.

Q Since when did you begin to cooperate with Hitler militarily?

A Exactly from the day when I was called into that position, the 4th of February 1938.

Q That means that you were working in close contact with Hitler during the period when preparations for aggressive wars were made, is that not so?

A Yes. I have given all the necessary explanations as to how I entered the situation in the beginning of February and how things have developed and how surprisingly new situations arose.

Q Who besides you among military leaders of the OKW and the OKH had the title of the Minister of the Reich?

A The rank of Reichsminister was given to the three commanders-in-chief of the branches of the armed forces, and the supreme commander of the air force, Reichsmarshal Goering, was also Reichsminister of Aviation; and also I received only the rank but not the competence and not the position of the Minister.

Q Who besides you among military leaders of the OKH and the OKW signed decrees together with Hitler and the other Reich ministers?

A In the ministerial field of the Reich government there was the form of the signatures of the Fuehrer and Reichschancellor and the ministers, and then finally the chief of the Reichschancellory. In the military field that did not exist, but according to the traditions of the army and the armed forces the main personalities concerned signed---that is, the Chief of Staff or whoever had written the order with an initial on the margin.

Q But you said yesterday already that you have signed such decrees together with other Reichsministers.

A Yes, I have yesterday mentioned several decrees and also given the

H0102 - 0063

reasons why I signed them, and that in doing so I was not a Reichsminister and did not have the function of a minister inoffice.

Q What was the agency that, beginning with February 1938, filled the function of the Minister of War? What was the government agency that fulfilled the function of the government of Minister of War?

A Until the end of January or the first day of February it was former Reichsminister von Blomberg. Beginning with the 4th of February there was neither a war minister or a war ministry.

Q This is precisely why I asked you what government agency had taken on the function of the ministry of war, since there was no ministry of war following the period you mentioned.

A I myself with the armed forces office and the former staff of the War Ministry continued the work such as I have described yesterday. That is, all rights and autonomies and competences were transferred to the commanders of the branches. It wasn't upon an order of myself but upon an order from Hitler.

Q From the testimony you have given so far it appears that the central unifying supreme command was directly controlled and supervised by Hitler. Would that be a correct conclusion?

A Yes, that was the military staff of Hitler.

Q Who in the OKW supervised directly the military plans of a strategic nature? Specifically, I mean the plans for the attack on Austria, Czechoslovakia, Poland, Belgium, Holland, France, Norway, Jugoslavia, and the Soviet Union?

A I believe that yesterday I stated that very precisely, saying that the operational and strategic planning, after an order had been given by Hitler, were worked out by the commanders of the branches; that is to say, for the army by the High Command of the army and the General Staff of the army. They were reported to Hitler and then further decisions were made.

Q I would like to ask you with regard to Jugoslavia the following: Do you admit that a decree, or rather, a directive issued under your signature about the partition of Jugoslavia represents in itself a document of both political and international significance, since it practically decide on abolishing Jugoslavia as a sovereign state?

H0102 - 0064

A I have done nothing more, nothing less, than to write down a decree by the Fuehrer and to forward it to those offices which were concerned. Personal or political influence in these questions I didn't have.

Q Under your own signature?

A For the signatures which I have written I gave an explanation yesterday, how they came about and what their significance was.

Q Yes, correct, you did talk about it yesterday. Right now I would like to determine more precisely your views with regard to Jugoslavia. Would you agree that the OKW participated directly in the organization of provocative acts and incidents so that German aggression could be facilitated and justified in the public opinion of the world?

A I have this morning, in answering questions of the counsel of another defendant, stated very clearly that I participated in no preparations of any incident, and that military offices also, according to the desire of Hitler, had nothing to do with the preparation, deliberation, or the execution of such incidents at any time--incidents here in the sense of provocation.

Q Correct. What part did the OKW take in insuring the occupation of the Sudetenland?

A General, which Free Corps do you refer to?

Q I am talking about the Sudetenland now, the Free Corps of the Sudetenland.

A I am not informed as to whether any military office or military department had sent armies there or sent them there secretly. I don't know it. At any rate, an order in that direction has not been given, or at lease has not passed through my hands. I cannot remember anything.

Q Who and for what reason issued the decree to occupy Moravia and Bohemia by the German military units on the 14th of March 1939, in the afternoon, at the time when President Hacha was still en route to Berlin for purpose of negotiations with Hitler?

H0102-0065

A The order was decided, in the end, by the Fuehrer. There had been preparations to occupy that area where the well-known steel works were, near Maehrisch, Ostrau, before the march into Czechoslovakia. As a justification for that decision, Hitler had told me that would be done in order to keep the Poles from the North from grabbing it, and thereby getting the most modern rolling mill in the world. He stated that as a reason for the incident; and that occupation actually took place in the late hours of the 14th of March.

Q Yes, and during the same period, at the same hour, President Hacha was en route to Berlin to negotiate with Hitler?

A Yes, that is absolutely correct.

Q This is treachery, is it not?

A I don't believe that I am supposed to judge the facts. It is correct that the occupation occurred on that evening. I have given the reasons, and President Hacha found out about it only after he had arrived in Berlin.

Now I remember the name. The rolling mill was Witkovitz.

Q It is clear to me.

I have a few other questions in connection with aggression against the Soviet Union.

Yesterday you testified to several things on the subject. You related your position, or your viewpoint, with regard to the attack on the Soviet Union. You announced to the Tribunal that the order for preparing Plan Barbarossa took place at the beginning of December 1940.

A Yes.

Q Do you recollect that quite thoroughly and quite precisely?

A I do not know of, or do not remember any specific order by the High Command of the Armed Forces which would have ordered the execution of this plan called Barbarossa on the basis of a previous order. I explained yesterday, however, that already in September a decree had been issued concerning transport and railroad conditions. I cannot recall whether I signed that decree, but I mentioned yesterday such a preparatory decree to improve transport conditions from the West to the East.

Q In September, you mean?

H0102-0066

A It may have been in September or October, but I could not state it with certainty. More accurate information may be obtained later on from General Jodl, probably, who would remember that better.

Q Naturally, when he takes the witness stand we shall interrogate him also.

I wish that you would recollect briefly the following: You first learned of Hitler's plans to attack the Soviet Union in the summer of 1940. Is that correct?

A No. In the summer of 1940 -- I believe what you are referring to is the conversation which is mentioned in the diary of Jodl. Do you mean the conversation referred to in the diary of Jodl? This was apparently a briefing conference, and I did not participate in it. My thoughts during that time justify my belief that I was not present, because I was on the way almost every day, by airplane, and therefore could not be present at briefing conferences.

Q When did your conversation with Ribbentrop take place?

A That may have been during the last days of August, or possibly the beginning of September, but I could not state the exact date any more. I would reconstruct the date by the fact that only on the 10th of August I returned to Berchtesgaden, and after that date I wrote the memorandum which I mentioned yesterday.

Q And so you assert that you first heard about Hitler's plans to attack the Soviet Union from conversations with Ribbentrop?

A No, no. After having been absent from Berchtesgaden for about two weeks -- partly on leave and partly on duty in Berlin -- I returned to headquarters at Berchtesgaden, and only then, on one of the subsequent days, probably during the middle of August, for the first time, I heard about thoughts of Hitler of that kind. That was the basis for my memorandum.

Q In that case, I put my question correctly. That is, in the summer of 1940 you already learned of Hitler's plan to attack the Soviet Union?

A Yes. The middle of August, after all, is still summer.

Q Yes, I quite agree; August is summer.

Further, I would like to remind you of the testimony of the witness

H0102-0067

Paulus, which he gave here to the Tribunal on the 11th of February of this year. Paulus, as you might recollect, informed the Tribunal that when he entered the service of the OKH, on the 3rd of September, 1940, among other plans he also saw there the preliminary operational draft of the plan for attacking the Soviet Union, known under the code name of Barbarossa. You do remember that part of Paulus' testimony, do you not?

A I only remember it insofar as he stated it was a study or a sketch of a maneuver for training purposes, and he had found the material for that at the occasion of his transfer into the General Staff. The sketch itself is not known to me, and it could not be known to me because the materials and files and the various studies of the General Staff of the Army were never at my disposal, and I never had an opportunity to look at them.

Q What I want to establish is this. You do not deny that in September, 1940, in the OKH, there were plans made and work done on the preliminary draft of the Plan Barbarossa?

A If the testimony of Rudolf Paulus is availble, then I could not say that it is not true because I could not say whether it is actually true. That is, I can neither deny it nor affirm it.

Q Very well, You have stated to the Tribunal that you were against the war with the Soviet Union.

A Yes.

Q You also stated that you even suggested to Hitler that he change his intentions with regard to the Soviet Union.

A Yes, not only that he change them, but that he should drop the plan and not conduct any war against the Soviet Union. That was the content of my memorandum.

Q That is precisely what I asked you.

Now I would like to ask you about a conference, evidently known to you, which took place three weeks after Germany attacked the Soviet Union, on the 16th of July, 1941. Do you remember that conference? It was dedicated to the problem of war against the Soviet Union.

A No, at the moment I don't know.

H0102 - 0068

Q I did not intend to submit that document to you at this particular minute. You may remember that I submitted it to the defendant Goering. The document dealt with the participation of the Soviet Union, that is, of annexing some of its territories. Do you recollect now?

A That is a document which I know. I believe it is marked on top "BO-FU." During my interrogation I characterized it as a memorandum from Reichsleiter Bormann; I made that statement. At that time I also testified that only during the second part of that conversation was I present, and that I had not been present during the first part of the conference. I have also testified that it was not the record of the minutes, but a free summary made by Reichsleiter Bormann, which was dictated.

Q But you do remember that already at that time, on the 16th of July, the question was posed about annexing the Crimea, the Baltic State, the Volga Region, the Ukraine, Byelorussia, and other territories; that is, annexing those to Germany?

A No, I believe that was discussed at the first part of the conference. As I remember the conference, I only recall the part where questions of personnel were discussed and, in particular, about certain persons who were to be appointed for certain jobs. That I remember, but the document I have only seen here, I didn't know of it before, and I did not attend the first half of the conference.

H0102 - 0069

Q In that case may I put the question differently: What were the final objectives pursued by Hitler and his entourage in conducting their war against the Soviet Union?

A I personally, according to the explanations which Hitler had given to me, saw the more profound reasons for this war in the fact that he was convinced that in the course of the years to come, between the Slavic Empire of Communism and the German Reich of National Socialism, it would have to come to a war one way or another. The reasons which were given to me were the following: If I once believe and I am convinced that such a dispute or conflict between the two nations will have to occur, then rather now than later. This is about the way in which I could formulate it.

But the questions which are in that document BO-FU about the partition of several areas, I do not remember. I cannot recollect. Maybe they were pictures of the imagination.

Q And you tell the Tribunal on oath that you did not know of Hitler's plans to seize the territories of the Soviet Union and to colonize these?

A No. That has not been expressed in that form. It is true that it came to my knowledge that the Baltic provinces should come into a sort of dependence of the Reich, and that the Ukraine should come into a closer connection from the point of view of economy and nutrition, but concrete objects of conquest are not known to me and if they were ever mentioned I never considered them seriously. That is the way I thought about it at that time. I cannot explain how I see it today, but I have to say frankly how I saw it at that time.

Q Did you know that at this conference of the 16th of July Hitler announced the necessity to rub the City of Leningrad off the face of the earth?

A I have read that document here again. If it is contained in the document I cannot remember it now. But I have had this document before me here; I have read it in the presence of the American prosecutor; and if it is said in there then it is only the question of whether I have heard it or whether I have not heard it. That depends entirely on the time at which I entered into that conference.

H0102 - 0070

Q I told you that I do not plan to submit the document right now because it was submitted several times already. The extracts already cited to the Defendant Goering stated: The Leningrad region is wanted by the Finns. The Fuehrer wants to erase Leningrad altogether and then give it to the Finns.

A I can only say that it is necessary to establish at what moment I attended that conference. Whatever had been said before I could not hear, and that I can only indicate if I am given the document or if one reads the record of my interrogation. I told the judge at that time.

Q Very well. I shall give you the minutes of the conference immediately. We shall find the place. While we are looking for the place I will ask you one other question on the same subject:

With regard to the destruction of Leningrad, did you not know from other documents available?

A I have been asked about that by the Russian delegation and the general who is present here, and he has called my attention to a document.

Q I know; that is correct.

A I know the document as well which came from the navy, and I also know a second document which at that time contained a short directive -- I believe on the order of J$_o$dl -- concerning Leningrad. I have been interrogated on both documents;; but, on the other hand, I have to point out that neither as a result of a siege, artillery, or by the air force has a wanton destruction taken place in the sense as we know it from other places to a much greater extent. It never came to a systematic shelling of Leningrad, as much as I know. Consequently, one can only state what I have said at that time under oath to the gentleman of the Soviet delegation.

Q You mean it is known to you personally that Leningrad was never shelled?

A Certainly artillery was used against Leningrad, but in the sense of a destructive shelling it never came to that. That would have occurred, General, if it would have come to an attack on Leningrad.

Q After you get acquainted with the document I will ask you a few other questions on the subject.

H0102 - 0071

A It is very simple. After these remarks had been made I entered into a conference room. I have told the interrogator that I heard the last sentence, which was about the appointment of Gauleiter Lohse, when I entered the room. Everything that had been said before I did not hear.

Q If you please. Have you found the place of the minutes of the meeting -- the paragraph that deals with Leningrad? You do see that there is that entry in the minutes of the meeting about Hitler's remark. You arrived at the conference immediately after they had finished talking about Leningrad?

A Yes. I entered the room when they were talking about the qualifications of Gauleiter Lohse--whether he could be used as an administrative official. That was the first thing that I heard. A debate was going on just as I entered.

Q It states there quite clearly: Rub the city of Leningrad off the face of the earth.

A Yes, I have read that here.

Q The same is stated in the decree, is it not?

A Yes; but that is not a causal connection for me. That was a decree of the navy. Is that what you meant? The order which was found with the navy--the Kriegsmarine?

Q You do know that there were two decrees, one issued by the naval command and the other by the OKW. You do know that, don't you?

A Yes, I have seen both these decrees here. They were submitted by the Russian delegation.

Q And you do know of a decree signed by Jodl of the OKW? It also talks about erasing the city of Moscow--rubbing that off the face of the earth.

A That I do not remember now anymore. If mention was made of Leningrad at that time, if it is stated there I will not deny it.

Q I am asking you. What is the purpose of the decrees? Did OKW issue decrees for the purpose of having them obeyed?

A The decree or the order of the naval command is no OKW order and not known to me. The shorter order, signed Jodl of the OKW, was not issued

H0102 - 0072

in my presence, because if I would have been present I would have signed it. Certainly I was absent. Therefore, I do not know the prerequisites or the discussions which preceded that decree.

Q You have not replied to my question. I am asking you: Are the decrees issued so that they could be obeyed, or otherwise?

A That was a directive but not an order, because an order can only be given from the local command office of the army. It was just a directive.

Q Are not directives of the OKW meant to be obeyed, followed, carried into action? And about your statement that no one shelled Leningrad, we don't really need that statement, since the destruction of Leningrad is well known to the world.

Proceeding further: Do you know --

A I ask to be permitted to say that I was not commanding there. That is why I don't know.

H0102 - 0073

Q Do you know that before the beginning of the war against the Soviet Union defendant Goering issued a so-called "Green Folder" which countained directives on economic questions in the territories which were to be occupied in t the Soviet Union by the German Army?

A Yes, that is known to me.

QQ Do you affirm that your decree of the 16th of June 1941, issued directives to all the German armed forces to obey these economic directives without question?

A Yes, there is this directive which makes known to all groups of the Army which organization was established and for what purposes, and that accordingly all the military commands of the army had to coordinate with them. That I have not ordered, but I have just transferred it.

Q Was it your own decree of where you merely obeying your directions?

A I only merely passed on the orders received from the Fuehrer because I could not give any orders to Reich Marshal Goering in that respect.

Q You did issue an order to Field Marshal Goering, however, concerning the armed forces?

A I could not give him an order; I could only pass on the intention of the Fuehrer to the commander of a branch and he could pass it on to his subordinate commanders.

Q You did not disagree with the Fuehrer's desires on the subject, though though, did you ?

A Any protest, since this was nothing concerning the field of competency of the OKW, I could not voice. I did not have to; I just passed it on.

Q You do affirm that this order of yours had this objective: the immediate and full economic exploitation of the occupied regions fof the Soviet Union in the interest of German war economy?

A An order of that kind would be purposeless, and the purpose of an organization such as the economic organization Oldenburg I have not given because this was not my problem. I only passed on the contents of the "Green Folder" to the high command of the army in order for them to act on it.

Q You do admit that the directives contained in the "Green Folder" were aimed at the plunder of the material wealth of the Soviet Union and all its citizens.?

H0102 - 0074

A. No. Of destruction or extermination nothing could be found such as I remember in the "Green Folder" Perhaps the exploitation of surplus which could be found there, especially in the field of food and raw materials which should be utilized for the entire war economy of Germany; but not to destroy them. I said in the "Green Folder" there were basic thoughts for the use of reserves which we expected to find which were considered surplus, but never to destroy them and in doing so to let the Soviet population starve. That was not the case. I have seen these things myself and therefore I am qualified to speak about it.

H0102-0075

Q You do not consider that plunder?

A To squabble over words, whether booty or exploitation or plunder, I think brings us into a field which we do not need to discuss here. Everybody has a different use of words.

Q Very well, we shall not argue about it. My last question with regard to the attack on the Soviet Union is this: Do you agree that the method of behavior and of conducting the war in the East on the part of the German army differed radically from even the elementary conception of military honor and military necessity or wisdom?

A No. To that I cannot agree in that form; rather that the disintegration of the war against the Soviet Union and in the East occurred and was not to be attributed to the German Army but to those conditions which I have stated in an affidavit submitted by my counsel to the Court. I beg to ask that the Russian prosecutor should read it and see my opinion about it.

Q Very well. To conclude the questions with regard to aggression and to pass to another subject, I have the following questions here and I do hope that you will tell the Tribunal whatever knowledge you possess as the person closest to Hitler on the subject of military questions. My question is this: What were the objectives of the OKW? How were these questions posed before the German armed forces? What were the directives to the German armed forces in case a victory over the Soviet Union was final?

A I do not know what you mean by that; what is meant by that. Which demands were put to the military leadership in case the war should have terminated successfully? May I ask you to put this question again? I did not quite understand it.

Q I mean this: The problems for further conducting the war after the eastern campaign was concluded successfully, that is, what were the plans?

A Then that could occur which actually did occur later, that is, the landing of the British and American forces in France, in Denmark or in Germany. There were various possibilities of warfare which could have occurred which could not even have been anticipated.

Q I am not asking the questions in general but specifically. You undoubtedly do know some of the documents and plans pertaining to "C" or naval

H0102 - 0076

warfare, plans which were already ready by the 8th of August 1941, plans dealing with carrying on the war after the eastern campaign was concluded successfully, that is, plans about invading Iraq, Syria and Egypt. You do know the document dealing with plans of that nature?

A So far that has not been submitted ot me, and I cannot recall it.

Q You do not know this document S-57 already submitted to the Tribunal as USSR-336? I shall show it to you in a minute.

H0102-0077

A I see this document for the first time, at any rate here during the proceedings. It begins with the sentence:

"The Command of Naval operations has a draft concerning the preparations."

This order or draft of the Naval Command I have never seen. The draft for a directive could only come from the High Command of the Armed Forces, that is the Armed Forces Leadership Staff, which represented the leadership of the army, navy and air force and it is quite possible that thoughts had been formulated and put down in the shape of a draft of a directive and it would have been made known to the members of the Staff. I cannot remember such a draft of the directive of the Armed Forces Leadership Staff but I believe that Colonel General Jodl is in a position to give us more information about that. I cannot remember it.

Q You do not remember that directive. I shall not ask you about it in detail but you do see that the document contains plans for the seizure of Gibraltar with the active participation of Spain. It provides further for an attack on Syria, Palestine, Egypt and so on. And you say that you have no idea of what these plans were and that you do not know about this document?

A I will be glad to give information about that. An attack on Gibraltar, representing the entrance to the Mediterranean, had already been planned before, that is during the winter of 1939-40, but it had never been executed. It was nothing new and the other questions which have been mentioned were such which were based upon the situation existing north of the Caucasus in the course of operations.

I would certainly not say that these could not have been thoughts in our minds but I do not remember every document or I have not read every document of the Armed Forces Leadership Staff, such as this draft.

Q If such documents you consider mere scraps of paper, documents concerning the seizure of foreign lands, then what do you consider important?

A I can only state the following, that it is true and sincerely stated in war time one makes manifold plans and considers various possibilities which seen in reality cannot be carried out and, therefore, afterwards also historically such papers, documents cannot be considered the expression of the leadership operational and strategic plans.

H0102-0078

Q Yes, I do agree with you, of course, from a historical point of view this document is of no importance. But in discussing the plans of the German General Staff at the time it thought it would defeat the Soviet Union and from the viewpoint of analyzing those plans or objectives the document is important. However, I shall not ask you any more about this document. I shall pass on to questions of your relationship to crimes.

Your attorney for the defense, Dr. Nelte, submitted to you the basic documents of the Prosecution on the subject of war crimes. For that reason I do not plan to enter into a detailed discussion as to these documents. I shall merely ask you about the basic contents of these documents, such questions particularly which were omitted by your counsel when he questioned you.

First of all I turn to a document which the order of military jurisdiction in the region of the "Barbarossa" and of the special military measures to be taken by the armed forces. You do remember the document dealing with the subject? It was dated 13 May, 1941, that is more than a month before the beginning of the war against the Soviet Union.

You do remember that in that document, which predates the war, it states that elements suspected of anti-German tendencies must be immediately brought to the German officers and that it is the latter who will decide whether they will be shot or not? You do remember that directive, do you not?

You signed that order, did you not?

A Yes, indeed, I have never denied that. But I have given explanations as to how the document came into being and who was its originator.

THE PRESIDENT: The date of the document seems to have come through wrong. Did you say the 13th of May?

GENERAL RUDENKO: The 13th of May.

THE PRESIDENT: What is the number of the document?

GENERAL RUDENKO: Document C-50, dated the 13th of May, 1941.

THE PRESIDENT: Very well.

BY GENERAL RUDENKO:

Q Although you told me that you have already explained to your counsel the subject of this order, nevertheless I have to ask you this question in a somewhat different form. Did you consider that the right of the officers to shoot people on the spot was not permissible -- did that exist or did it

H0102 - 0079

not exist?

A In the German Army there has always been against our own soldiers and against our enemies military courts which could always be established, consisting of one officer and one or two soldiers who act as judges. That is what we call court martials but there has to be one officer at least to decide in this court. But as a matter of principle I have to repeat the statement which I have made yesterday.

Q Just one moment. I am asking you to reply to this question. Did not this document abolish court procedure and trials with regard to suspects and did it not give the right to shoot civilians to the officers of the German Army, is that not so?

A In the case of German soldiers it was correct, it was admitted, that is a court martial with judges and there is a Standgericht which consists of soldiers and they have the right to execute.

THE PRESIDENT: You are not answering the question. The question is what right does this document give, not what the orders in the German Army are.

BY GENERAL RUDENKO:

Q Can you reply to this question? Did this document do away with court procedure and trials and did it give or did it not give the German officers the right to shoot persons who were suspected of anti-German attitudes?

A That was an order which was given to me by Hitler. He hadissued that order and I put my name under it and what consequences that had, what meaning it has, I have explained that in detail yesterday.

Q You, Mr. Field Marshal, signed that decree, you as a Field Marshal. Even considering the decree was not incorrect did you not understand the consequences of that decree? If you did then why did you sign it?

A Id cannot say any more than that I put my name under it and whatever measure of responsibility I may have assumed in my position by doing so.

Q And one more question. On the 13th of May, 1941, which is the date of the decree, in other words, almost a month before the beginning of the war against Russia, plans were already made for procedure of that kind, for assassination really.

H0102 - 0080

A That I do not understand. It is correct that this order was issued about four weeks before the beginning of the campaign "Barbarossa" and another four weeks before that it had been given to the generals in a statement by Hitler. They knew that weeks before.

Q With regard to how the decree was applied you are informed?

A I have in the preliminary interrogations also told the Soviet interrogator of my opinion and about the fact that generals have spoken to me about this order and it has not been mentioned here that is says specifically that the higher commanders have the right to suspend this order as soon as a pacification took place in their area. I have answered that to everybody who asked me about the interpretation of this order. I said that it specifically stated that you could suspend this order as soon as your area is pacified. That was the subjective possibility for the commanders and it is included.

Q And finally the last question in connection with this order. Did this order actually establish an atmosphere or position, a situation where German soldiers or German officers could go unpunished for shooting civilians or being lawless in general?

A Within certain limits. The limit was given in the oral order to the generals, that is to say by using the most extreme amount of discipline on your own troops.

Q I think, defendant Keitel, that these limits have already been established from documents submitted to the Tribunal.

I have the following question to ask. On the 12th of May, 1941, a plan was developed with regard to how to treat the Soviet prisoners of war. Do you remember that document?

A At the moment I cannot recall which one you mean. It is not clear to me what you are referring to.

Q I mean the document dated the 12th of May, 1941, which establishes the procedure by which political commissars, political workers, of the Red Army be not recognized as prisoners of war but be annihilated.

A About that I have only seen the remarks. I do not recall the document but I know about the facts. I cannot recall the document from memory at this moment. Could I see it please?

H0102 - 0081

Q If you please.

THE PRESIDENT: What number is it?

GENERAL RUDENKO: 780-PS, dated May 12, 1941, and under the subject of treating Soviet prisoners of war and political workers in the Red Army.

A It is not an order, but a memorandum by the Department of National Defense, with the remark that decisions by the Fuehrer have been required, and that memorandum contains the suggestion for an order. I remember that and I have seen it. The result of the report to Hitler is not mentioned; only the suggestion is made of regulating that problem. As far as I know, that was then reported to the High Command of the Army as having been approved by the Fuehrer or having been discussed or taken care of between the Fuehrer and the commanders of the army.

Q What do you mean by "regulating"? There are so many terms known to us from the German terminology, such as execution, special regime. In using all those terms meant just one thing; they meant assassination, putting people to death. Just what do you mean by "regulating"?

A I do not know which word means regulating. I have said that, in the sense of that memorandum, according to my recollection, directives had been issued by Hitler to the army at that time; that is, an approval to the suggestion which has been made in that paper.

Q In that case you do not deny that already in May, at least more than a month before the beginning of the war, projects were already there to annihilate or do away with the political commissars or political workers of the Red Army? You do not deny that such plans were there?

A No, that I do not deny. That was the consequence of directives which had been worked out in writing by the generals.

THE PRESIDENT: The Court will adjourn now.

(The Tribunal adjourned until 6 April 1946, 1000 hours).